

TSD File Inventory Index

Date: August 2, 2001

Initial: CM Kenevao

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Facility Identification Number: <u>LD 054 348 974</u>		
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Note: Transmittal Letter to Be Included with Reports.
Comments: _____

P371 904 180

SEP 04 1998

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

S.D. Metals, Inc.
c/o Michael Tang, President
1965 Pratt Boulevard
Elk Grove Village, Illinois 60007

RE: Administrative Order
Section 3013 of RCRA

Dear Mr. Tang:

Enclosed please find an Administrative Order issued pursuant to Section 3013 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6934. While the United States Environmental Protection Agency (U.S. EPA) does not admit to any deficiencies in service of the Administrative Order issued July 29, 1998 to Midwest Metallica, L.P., and S.D. Metals, Inc., service of the Administrative Order by means of this Certified Letter is designed to address concerns raised in the Appearance and Response of Midwest Metallica dated August 13, 1998.

The U.S. EPA has determined that there exists the potential for releases of hazardous wastes from the Midwest Metallica, L.P. facility located at 7955 West 59th Street, Summit, Illinois (the Summit facility). The Order is issued to S.D. Metals, Inc. as the general partner of Midwest Metallica, and as an operator of the facility. The Order requires S.D. Metals to prepare a written proposal to carry out monitoring, testing, analysis, and reporting to determine the nature and extent of the hazards posed by the hazardous wastes that are or were present at the Summit facility. The Order requires that the proposal be submitted to U.S. EPA within forty-five (45) days from the date the Order was originally issued, and that the proposal be implemented once it is approved by U.S. EPA.

At any time prior to the submission of the required proposal, you may provide to U.S. EPA, in writing or in person: (1) information to show why S.D. Metals should not be subject to this Order; and (2) whatever additional information you believe is relevant. You may also confer with U.S. EPA on the actions required by the Order at any time before or after the written proposal is due; the scheduling of such a conference with U.S. EPA, however, does not relieve you of the obligation to submit the written proposal described above.

Compliance is still required with the schedule for submission of the proposal set forth in the original order issued July 29, 1998. If you have any legal inquiries or wish to schedule a conference with U.S. EPA on this matter, please contact Sherry L. Estes, Associate Regional Counsel, at (312) 886-7164. Any technical questions should be directed to John Gaitskill with the RCRA Enforcement and Compliance Assurance Branch, U.S. EPA Region 5 at (312) 886-6795.

Sincerely yours,

Joseph M. Boyle, Chief
Enforcement & Compliance Assurance Branch
Waste Pesticides and Toxics Division

Enclosure

cc: Cliff Gould, IEPA (w/o encl)

ENFORCEMENT & COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY
1569/98			
AUTHOR/ TYPIST	OFFICE OF REGIONAL COUNSEL	Illinois/ Indiana SECTION CHIEF	ECAB CHIEF
CMJ JG 9/13/98		CMJ 9/12/98	AMB 9/13/98

Attachment III

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ADMINISTRATIVE RECORD

Midwest ^{LEGISLATIVE}Metallics Facility Summit, Illinois (ILD 054 348 974)

DATE	AUTHOR	SUBJECT	RECIPIENT
	Ken Zolnierczyk	Sampling at Midwest Metallics	
	Midwest Metallics	Midwest Metallics Environmental Action Plan	
		Sign in sheet for Midwest Metallics meeting	
	US EPA	Toxicological Profile For Hazardous Waste Constituents	
4/24/77	Russell R. Eggert, Mayer/Brown/Platt	Copies of the "Residue Volume Calculation for Mr. Piolet,"	RoseMarie Cazeau, IAGO
9/26/84	Courtney M. Price, USEPA	Memo re: Issuance of Administrative Orders (Sec. 3013)	List of addressees
4/13/88	State of Ill/Cook County	Certificate of Title for Summit Facility	
11/21/88	Mitch Kidwell, USEPA	Memo: Possible Applicability of RCRA Regulations to fluff	R. Lashier & J. Johnson, USEPA
1/30/90	Summit Fire Department	Fire Dept. Alarm Report: large scrap pile burning	
3/16/90	Summit Fire Department	Fire Dept. Alarm Report: large scrap pile burning	
7/17/90	William C. Child, IL EPA	Ltr. re: IL EPA evaluation request of 7/9/90 for auto fluff	J.Piolet, Piolet Bros Iron/metal

Midwest Metallics Facility Summit, Illinois (ILD 054 348 974)

DATE	AUTHOR	SUBJECT	RECIPIENT
2/22/91	David Bussard, EPA-OSW	Ltr. re: Documentation of analyses of the fluff materials	Herschel Cutler, Instit. Scp. Recycl. Indus
8/19/91	Summit Fire Department	Fire Dept. Alarm Report: large scrap pile burning	
10/15/91	John Mahar, IERA	Memo re: IL EPA, Inspection Report Piolet Bro's.	
3/1/93	J.V. Ryan & C. C. Lutes AECorp.	Characterization of Emissions from Simulated Open-Burning Of Non-Metallic Automobile Shredder Residue	USEPA
8/1/93	USEPA	Sampling Guidance for Scrap Metal Shredders	
10/7/93	Gino Bruni, IL EPA	Memo re: IL EPA, Inspection Report Midwest Metallics	
11/21/93	Summit Fire Department	Fire Dept. Alarm Report: pile of rubbish burning	
6/4/94	Summit Fire Department	Fire Dept. Alarm Report: rubbish burning	
6/22/94	Division File IL EPA	Memo re: Water & Sediment Sample Results from the Wastewater-Midwest Metallics Summit Facility	Gino Bruni, IL EPA
9/11/94	Summit Fire Department	Fire Dept. Alarm Report: northside of large pile of scrap on fire	
9/14/94	Summit Fire Department	Fire Dept. Alarm Report: small rubbish fire	

Midwest Metalics Facility Summit, Illinois (ILD 054 348 974)

DATE	AUTHOR	SUBJECT	RECIPIENT
10/1/94	Summit Fire Department	Fire Dept. Alarm Report: burning rubbish	
10/3/94	Summit Fire Department	Fire Dept. Alarm Report: rubbish fire	
10/23/94	Summit Fire Department	Fire Dept. Alarm Report: large pile of scrap burning	
11/13/94	Summit Fire Department	Fire Dept. Alarm Report: large pile of rubbish burning	
11/24/94	Summit Fire Department	Fire Dept. Alarm Report: pile of rubbish on fire	
12/13/94	S. C. Saxena & N. S. Rao	Auto Fluff Combustion & Ash Agglomerate Formation	
12/15/94	Gino Bruni, IL EPA	IERA, Inspection Midwest Metalics	
12/24/94	Summit Fire Department	Fire Dept. Alarm Report: small pile of rubbish on fire	
12/26/94	Summit Fire Department	Fire Dept. Alarm Report: rubbish burning smoldering piles	
1/12/95	Summit Fire Department	Fire Dept. Alarm Report: pile of rubbish/smoldering	
5/21/95	Summit Fire Department	Fire Dept. Alarm Report: large scrap pile of fluff/metal burning	

Mic est Metallics Facility Summit, Illinois (ILD 054 348 974)

DATE	AUTHOR	SUBJECT	RECIPIENT
1/1/96	Pacific N.W. Pollution Prevention	Automobile Shredder Residue-Recovering (last update 1/96)	
5/15/96	Division File IL EPA	Memo re: Sampling inspection 5/7/96	Gino Bruni, IL EPA
5/31/96	State of Illinois	First amended complaint for Injunction & Civil Penalties	Midwest Metallics, L.P.
7/15/96	U.S. EPA	Notification of Regulated Waste Activity	Terance Coogan, Midwest Metallc
11/18/96	Robert Young, A.T. Kearney	Sampling Assistance at Midwest Metallics	Michael Ribordy, USEPA
11/26/96	A.T. Kearney	Chain of Custody Record	Janice McKittrich
11/26/96	US EPA	Video-20 min. Inspection at Midwest Metallics	
1/1/97	Midwest Metallics	Major expenditures incurred by or committed to by Midwest Metallics	
1/15/97	Robert Young, A.T. Kearney	Transmittal of Analytical Results - C200/R05-020	Michael Ribordy, USEPA
1/23/97	A.T. Kearney, Inc.	Midwest Metallics Waste Auto fluff sampling report	Ann Kerbs, USEPA
1/23/97	Patricia Brown-Derocher, Kearney	Split Sampling Report for the waste auto fluff samples collected	Ann Kerbs, USEPA

Midwest Metallics Facility Summit, Illinois (ILD 054 348 974)

DATE	AUTHOR	SUBJECT	RECIPIENT
3/28/97	Sherry L. Estes, USEPA	Ltr. re. USEPA & IL EPA 11/26/96 inspected Midwest Metallics	Russell Eggert, et. al
4/2/97	Janice McKittrich, A.T. Kearney	CLP Result Summary Form for A. T. Kearney Midwest Samples	Michael Ribordy, USEPA
4/10/97	Janice McKittrich, A.T. Kearney	Summary Report	
4/10/97		Sign in sheet for Midwest Metallics meeting, at US EPA	
4/21/97	Russell R. Eggert, Mayer/Brown/Platt	Ltr. re: Meeting at USEPA on April 10. 1997	RoseMarie Cazeau, IAGO
5/13/97	Patricia Brown-Derocher, A.T.Kearn.	Ltr. re: Analytical Data Summary Report	Brian Freeman, USEPA
7/25/97	Joseph M. Boyle, USEPA	Ltr. re: USEPA intent to file civil proceeding against Midwest Metallics	Russell R. Eggert, Mayer/Brown/Platt
8/12/97	Daily Southtown News	State moves on auto dump Midwest Metallics	
10/20/97	Steven A. Herman, USEPA	Transmittal of "guidance on the Use of Sec. 7003 of RCRA"	Linda Murphy, et. al
3/15/98	John Gaitskill, USEPA	Aerial photograph Midwest Metallics Summit Facility looking NE	
3/15/98	John Gaitskill, USEPA	Aerial photograph Midwest Metallics Summit Facility looking N	

Attachment II

RCRA QAPP INSTRUCTIONS

U.S. EPA REGION V

REVISION: APRIL 1998



ATTACHMENT A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF SOLID WASTE

JUL 11 1980

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Herschel Cutler
Executive Director
Institute of Scrap Iron & Steel, Inc.
1627 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Cutler:

At your request, we have reviewed your proposed industry-wide sampling program for scrap processors' wastes and would like to proffer a few suggestions on how that program might be improved.

First, to the extent that there are any relevant technological differences in the balers, shears, and shredders from which the sampling pool will be drawn (i.e., differences which might influence the composition of the wastestream), these differences should be accounted for in the sampling.

Second, it would be beneficial to record what kind of scrap is being fed into the baler, shredder, or shears at the time the sampling is performed. This would allow you to determine whether there is any discrepancy between the makeup of scrap from which the waste samples are drawn and the general makeup of the scrap processed by the industry.

Third, the 14 sites which will be sampled for "within-site" variations should be selected at random from the 35 sites originally sampled and not from the total pool of 200. Selecting the 14 sites from the total pool of 200 shredder sites would prevent you from achieving 95% confidence in your "within-site" subsampling results and would cause overlap problems.

Fourth, to the extent possible, balers, shears, and shredders should not be given specific advance notice of the date and time of sampling. This will eliminate any bias caused by scrap processors intentionally changing their scrap feed on the date of sampling.

Fifth, the balers, shears, and shredders selected for sampling should be chosen independently, without any consideration of whether they are located at the same location.

Sixth, you should consult EPA's manual entitled "Test Methods for the Evaluation of Solid Wastes" (SW 846) to determine the number of times the EP should be run on a given sample to ensure 95% confidence in the test results. This manual can be obtained from: Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair St., Cincinnati, Ohio 45268 (513) (684-5362).

Apart from the above, we detect no apparent deficiencies in your sampling program and consider it to be capable of producing a statistically representative characterization of the industry's waste. In our opinion, an individual processor may satisfy his Section 262.11 responsibility to determine whether his waste is hazardous by relying upon an industry-wide, statistically representative sampling of the industry's waste--unless of course he has reason to know that his waste is completely atypical of the sampled waste. We caution you, however, that reliance on such an industry-wide sampling and characterization program does not relieve the individual processor of liability in the event it is subsequently determined that the waste is hazardous. Indeed, reliance by an individual processor on tests conducted on his own waste does not relieve the processor of liability in the event the waste is subsequently determined to be hazardous.

We thank you for consulting us in this matter and will be happy to provide you with further guidance upon the submission of the sampling program results to us. If you have any further questions, please contact Matt Strauss of my staff.

Sincerely yours,



John P. Lehman, Director
Hazardous and Industrial Waste Division (WH-565)

cc: J. Gordon Arbuckle

4/29/98

File Copy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	DOCKET NO.
)	
MIDWEST METALLICS, L.P.)	
7955 WEST 59TH STREET)	PROCEEDING UNDER SECTION
SUMMIT, ILLINOIS)	3013 OF THE RESOURCE
U.S. EPA I.D. NO.: ILD 054 348 974)	CONSERVATION AND RECOVERY
)	ACT, 42 U.S.C. §6934
and S.D. Metals, Inc.)	
Midwest Metallics, RESPONDENTS)	
)	

**ORDER REQUIRING MONITORING, TESTING,
ANALYSIS AND REPORTING**

I. PRELIMINARY STATEMENTS

1. This is an administrative action instituted pursuant to Section 3013 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6934, seeking monitoring, testing, analysis, and reporting.

2. Respondents to this Order, pursuant to the authority of Section 3013 of RCRA, 42 U.S.C. § 6934, are Midwest Metallics, L.P., a limited partnership, and S. D. Metals, Inc., an Illinois Corporation and general partner of Midwest Metallics.

3. This Order is issued by the Chief of the Enforcement and Compliance Assurance Branch of the Waste, Pesticides and Toxics Division, United States Environmental Protection Agency (U.S. EPA), Region 5 (the Branch Chief). The Branch Chief, acting pursuant to the authority vested in the Administrator by Section 3013 of RCRA, 42 U.S.C. § 6934, duly delegated, and having been presented with information set forth in the administrative record for this Order, has determined that the presence of hazardous wastes, as defined by Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), at Respondents' facility may present a substantial hazard to human health or the environment. Based upon this determination, the Branch Chief hereby orders Respondents to conduct monitoring, testing, analysis and reporting to ascertain the nature and extent of such hazard and endangerment.

4. This Order is based upon the administrative record compiled by U.S. EPA and incorporated herein by reference. The record is available for review by Respondents and the public at U.S. EPA's regional office at 77 West Jackson Boulevard, Chicago, Illinois 60604. The index to the administrative record is attached as Attachment III to this Order.

II. PARTIES BOUND

1. This Order shall apply to and be binding upon Respondents. To the same extent that this Order mandates that any particular Respondent undertake activities in compliance with this Order, it shall also be binding upon that particular Respondent's general and limited partners, directors, employees, agents, receivers, successors and assigns, heirs, trustees, and all other persons, including, but not limited to, contractors, and consultants acting under or on behalf of that Respondent in connection with the implementation of this Order.

2. No change in ownership, corporate, or partnership status relating to the facility will in any way alter the status or responsibility of Respondents Midwest Metallics or S.D. Metals under this Order. Any conveyance of title, easement, or other interest in Respondents Midwest Metallics' or S.D. Metals' facility or a portion of their facility shall not affect these Respondents' obligations under this Order. Respondents Midwest Metallics and S.D. Metals shall be responsible for and liable for any failure to carry out all activities required of them by this Order, irrespective of their use of employees, agents, contractors, or consultants to perform any such tasks.

3. Respondents shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within seven (7) days of the effective date of this Order or date of such retention of services, and shall condition all such contracts on compliance with the terms of this Order.

4. Any documents transferring ownership and/or operations of the facility from Respondents Midwest Metallics or S.D. Metals to a successor-in-interest shall include written notice of this Order; however, these Respondents shall, no less than thirty (30) days prior to transfer of ownership or operation of the facility, provide written notice of this Order to their successor-in-interest, and written notice of said transfer of ownership and/or operation to U.S. EPA and the Illinois Environmental Protection Agency (Illinois EPA).

III. FINDINGS OF FACT

1. Respondent Midwest Metallics, L.P., is a "person," as defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and 35 Illinois Administrative Code (IAC) 702.110, and is the "owner" of a "facility" located at 7955 West 59th Street, Summit, Illinois (the "facility"), as those terms are defined in 40 CFR § 260.10 and 35 IAC 702.110.

2. Respondent S.D. Metals, Inc., is the general partner and is in control of Midwest Metallics, L.P. Since October 26, 1993, Midwest Metallics and S.D. Metals, Inc., have been doing business at the facility and are the operators of the facility, as that term is defined in 40 CFR § 260.10.

3. Since October, 1993, the Respondents have conducted an automobile shredding operation at the facility. Respondents', predecessors-in-interest began conducting an automobile shredding operation at the facility in 1988. These automobile shredding operations have continued until the filing of this Order. Following the shredding activities, the ferrous metal is separated from the non-ferrous metal. This separation of ferrous and non-ferrous metal generates waste known as "auto fluff", consisting of a combination of plastics such as polyethylene (PE), polypropylene (PP), acrylonitrile-butadiene-styrene (ABS), polyurethane foam (PUF), polyvinylchloride (PVC), rubber, glass, wood products, cloth, paper, dirt, and electrical wiring.

4. The Respondents caused or allowed this auto fluff waste generated at the site to be placed in a "pile" at the facility, as this term is defined in 40 CFR § 260.10 and 35 IAC 702.110.

5. Estimates provided by Respondent Midwest Metallics in an April 24, 1997 letter show the pile to be between 150,000 cubic yards and 180,000 cubic yards. The pile is approximately 800 feet long by 200 feet wide and up to 35 feet high.

6. The auto fluff waste in the pile is "hazardous waste" within the meaning of Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), based on sampling conducted on November 26, 1996.

7. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within 90 days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste

subject to regulations may be transported, treated, stored, or disposed of unless the required notification has been given.

8. On October 7, 1996, a Notification was filed with U.S. EPA indicating that Midwest Metallics, L.P. was a small quantity generator of hazardous waste.

9. On December 5, 1990, an inspector from Illinois EPA collected samples of auto fluff waste that was generated at Respondents' facility and which was disposed of at a site in Streator, LaSalle County, Illinois. Laboratory analysis of this waste using the Toxicity Characteristic Leaching Procedure (TCLP) showed lead levels of 10.56 mg/l.

10. On June 6, 1991, and October 15, 1991, inspectors from Illinois EPA conducted inspections of the facility. During their inspection visits, the inspectors found auto fluff waste piled in various areas of the facility.

11. On October 6-7, 1993, an Illinois EPA inspector conducted an inspection of the facility. The inspector observed that the waste pile of auto fluff waste was still at the facility. The inspector observed that the pile of auto fluff waste was not stored in any container, and further, that the Respondents in control of the facility at that time had not taken any action, and had instituted no measure(s) to prevent this waste from entering the environment, including surface water run-off and wind dispersal from the facility.

12. On March 17, 1994, and December 2, 1994, Illinois EPA inspectors again visited the site. During these inspection visits, they observed that the pile of auto fluff waste was still at the facility. This pile of auto fluff waste remained uncontainerized and stored directly on the ground. Further, Respondents had taken no action and instituted no measure(s) to prevent this auto fluff waste from entering the environment, including surface water run-off and wind dispersal from the facility.

13. On August 28-29, 1995, an Illinois EPA inspector conducted an inspection at the facility. During these inspection visits, the inspector observed that the pile of auto fluff waste was still on the site. Further, the inspector observed that this pile of auto fluff waste was still being stored uncontainerized, directly on the ground, and that Respondents had taken no action and instituted no measure(s) to prevent this auto fluff waste from entering the environment, including surface water run-off and wind dispersal from the facility.

14. On May 7, 1996, an Illinois EPA inspector observed leachate flow from the unsecured waste pile of auto fluff, and pond off-site to the east of the waste pile; the off-site area is also unsecured. The leachate was orange in color and had a pH of 10, which indicated that the leachate was highly caustic. A highly caustic leachate could cause reactions ranging from skin rashes to chemical burns on those who come into contact with it. In addition, the leachate could have adverse effects or destroy vegetation in the area. The Illinois EPA inspector sampled the leachate this same date. Laboratory analysis of these samples for total metals showed the presence of, among other things, beryllium, cadmium, chromium, copper, lead, nickel, silver and zinc at the following levels:

TABLE 1

Parameter	Leachate Sample Results (ppm)	35 Ill. Adm. Code Part 620 Class I Groundwater Standard (ppm)	35 Ill. Adm. Code Part 620 Class II Groundwater Standard (ppm)
Beryllium	0.001	0.004	0.5
Cadmium	0.003	0.005	0.05
Chromium	0.03	0.1	1
Copper	2.3	0.65	0.65
Lead	0.27	0.0075	0.1
Nickel	0.97	0.1	2
Mercury	0.00175	0.002	0.01
Silver	0.007	0.05	---
Zinc	0.48	5	10

15. On May 7, 1996, the Illinois EPA inspector also collected samples of the sediment that had settled out of the run-off from the auto fluff waste pile, as it had flowed and ponded off-site. Laboratory analyses of these samples for total metals, showed the presence of among other things, beryllium, cadmium, chromium, copper, lead, nickel, mercury, silver and zinc at the following levels:

TABLE 2

Parameter	Sediment Sample Result (ppm)	Agency Background Concentration In Illinois Soil (ppm) (IEPA/Env/94-161)
Beryllium	0.67	0.69
Cadmium	8.2	0.97
Chromium	100	17.3
Copper	1200	19.7
Lead	1600	49.2
Nickel	180	16.8
Mercury	0.71	0.11
Silver	5.9	0.8
Zinc	2100	103

16. The U.S. EPA has gathered samples of various waste materials at seven shredder sites distributed across the United States. This study, "PCB, Lead, and Cadmium Levels in Shredder Waste Materials: A Pilot Study" found concentrations of lead and cadmium ranging as high as 43,000 ppm and 200 ppm, respectively. Analysis of samples of PCBs revealed concentrations ranging as high as 870 ppm.

17. On November 26, 1996, representatives from U.S. EPA and Illinois EPA conducted a sampling inspection at the facility. Eight composite samples and one duplicate of the auto fluff were collected from four different areas of the waste pile.

18. The samples were analyzed using the Toxicity Characteristic Leaching Procedure (TCLP) for the eight RCRA metals. Analytical results, set forth in Table 3, demonstrated that seven of the eight field samples exhibited the toxicity characteristic with respect to lead (D008) (Table 1). 40 CFR §261.24, method 1311, U.S. EPA publication SW-846.

TABLE 3
TCLP METAL ANALYTICAL DATA SUMMARY
AUTO FLUFF WASTE SAMPLES

Sample Number	S01	S02	S03	S30	S04	S05	S06	S07	S08	EB-1
Units	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$	$\mu\text{g/L}$
Remarks	Interior	Surface	Interior	Duplicate of S03	Surface	Interior	Surface	Interior	Surface	Equipment Blank
TCLP Metals ¹										
Arsenic (5,000)	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U	0.91 U
Barium (1×10^5)	1810	1950	966	1250	940	899	1150	878	1330	0.8 U
Cadmium (1,000)	535	504	752	869	467	384	470	824	614	0.09 U
Chromium (5,000)	1.8 U	4.01	1.8 U	1.84 U	9.5	12.1	15.3	5.61	1.8 U	0.4
Lead (5,000)	4230	5470	12900	22400	12200	11200	19600	34800	68500	1.49 U
Mercury (200)	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U	0.13	0.16	0.1 U	NA
Selenium (1,000)	3.9 U	3.9 U	3.9 U	3.9 U	3.9 U	10.8 U	44.7	3.9 U	3.9 U	3.39 U
Silver (5,000)	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U

¹The regulatory level in $\mu\text{g/L}$ is from Table 1 of 40 CFR 261.24

19. During the November 26, 1996 sampling inspection, representatives from U.S. EPA and Illinois EPA observed that the waste pile of auto fluff was uncontainerized and stored directly on the ground in an unsecured location. Further, Respondents still had taken no action and had instituted no measure(s) to prevent this auto fluff waste from entering the environment, including surface water run-off from the site, and wind dispersal.

20. The waste pile of auto fluff is stored in an unsecured area. The current use of the surrounding area ranges from industrial to residential. Residences, schools, and public parks are located within less than one mile of the facility.

21. The presence of hazardous waste in the waste pile at the facility constitutes storage and/or disposal of hazardous waste within the meaning of Section 1004(3) and (33) of RCRA, 42 U.S.C. §§ 6903(3) and (33).

22. Respondents have never notified Illinois EPA and/or U.S. EPA regarding the treatment, storage and/or disposal of hazardous waste in a waste pile in violation of Section 3010(a) of RCRA, 42 U.S.C. §6930(a).

23. The owner or operator of a facility which treats, stores or disposes of hazardous waste must comply with 40 CFR Part 265 or equivalent state regulations at 35 Ill. Admn. Code 725. These regulations establish standards governing the treatment, storage, and/or disposal of hazardous waste. These standards are designed to minimize the release of hazardous waste into the environment.

24. Respondents manage and/or have managed hazardous waste in a pile which is subject to the management standards for waste piles specified at 40 CFR 265 subpart L, including:

a) 40 CFR § 265.261 - the owner or operator of a waste pile containing hazardous waste which could be subject to dispersal by wind must cover or otherwise manage the pile so that wind dispersal is controlled. Based on observations made during the state and federal inspections, the pile at the facility has never been managed to control wind dispersal.

b) 40 CFR § 265.254 - the owner or operator of a waste pile must install two or more liners and a leachate collection and removal system above and between such liners. The waste

pile at Respondents' facility is unlined and is without a leachate collection system.

25. On several occasions, fires have broken out within the waste pile located at Respondents' facility. Emergency response crews were called to extinguish the fires. Substantial quantities of air pollutants were likely emitted from the facility. These emissions may present a substantial hazard to human health or the environment.

26. Automobile shredding operators have historically had problems with auto fluff waste catching fire on site resulting in the emission of numerous air pollutants. To gain insight into the types and quantities of these air pollutants released from burning auto fluff piles, a U.S. EPA-funded study was conducted, entitled "Characterization of Emissions from the Simulated Open Burning of Non-Metallic Automobile Shredder Residue". This study simulated the open combustion of fluff and collected and characterized the resulting emissions.

27. Samples were collected and analyzed for volatile and semivolatile organics, particulate, and metal aerosols to identify and quantify the types of compounds present in the open combustion process emissions. Compounds found in the highest concentrations in the organic portion of the study include benzene, chlorobenzene, ethylbenzene, toluene, styrene, and xylenes. Of the 11 metal aerosols characterized, cadmium, copper, lead, and zinc were found in significant quantities. The emission characterizations performed indicated that substantial quantities of air pollutants are emitted.

28. The hazardous waste constituents identified in paragraphs 14, 15, and 18 of this Section, may have significant negative effects on human health. The administrative record for this order describes in detail the effects of each constituent.

IV. CONCLUSIONS OF LAW

Based upon the foregoing Findings of fact, U.S. EPA has determined that:

1. Midwest Metallica, L.P. is the owner and one of the operators of the facility and S.D. Metals, as the general partner and the entity in control of the Midwest Metallica limited partnership, is also an operator of the facility. Hazardous wastes, as defined by Section 1004(5) of RCRA, are present and have been stored and/or disposed of at this facility.

2. Due to the presence of hazardous wastes and the potential releases of such wastes from the facility, the facility may present a substantial hazard to human health or the environment.

3. The actions that are required by this Order pursuant to Section 3013 of RCRA are necessary to ascertain the nature and extent of the hazard to human health or the environment.

V. ORDER: WORK TO BE PERFORMED

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for the facility, U.S. EPA hereby orders Respondents to perform the following actions.

1. All work undertaken pursuant to this Order shall be performed in a manner consistent with the plans, reports, and schedules approved by U.S. EPA. The Respondents shall perform the following activities, in the manner and by the dates, specified below.

2. Remedial Investigation

a) No later than thirty (30) days after the effective date of this Order, Respondents shall submit to U.S. EPA a Workplan for a Remedial Investigation (RI). The RI Workplan is subject to U.S. EPA review in accordance with the provisions of Section X of this Order and shall be prepared in accordance with the requirements in Attachment I.

b) The RI Workplan shall describe in detail the methodology for determining the presence, magnitude, horizontal and vertical extent, nature, direction, and rate of movement of any hazardous wastes or hazardous waste constituents from or to all affected media within and beyond the facility boundary.

c) The RI Workplan shall conform to the requirements of Attachment I and shall document the procedures Respondents shall use to conduct those investigations necessary to:
 (1) characterize the auto fluff waste pile to determine what portions of the pile contain hazardous waste within the meaning of Section 3001 of RCRA, 42 U.S.C. §6921;

(2) characterize the potential pathways of contaminant migration from the auto fluff waste pile; (3) define the degree and horizontal and vertical extent of contamination; and (4) identify actual or potential receptors. A specific schedule for implementation of all activities shall be included in the RI Workplan.

d) In accordance with the provisions of the Attachment I, the RI Workplan shall include: (1) a Project Management Plan; (2) a Data Collection Quality Assurance Plan; (3) a Data Management Plan; and (4) a Health and Safety Plan.

e) No later than 160 days following approval of the RI Workplan, unless extended in writing by U.S. EPA, Respondents shall complete the activities described in the Workplan, in a manner consistent with the requirements contained in Attachment I, and submit to U.S. EPA an RI Report. The RI Report is subject to U.S. EPA review in accordance with the provisions of Section X of this Order and shall be performed in a manner consistent with the requirements contained in Attachment I.

f) During the performance of the RI, it may be necessary to revise the approved RI Workplan to increase or decrease the detail of information collected to accommodate the facility specific situation. If such revisions are made, the schedule for deliverables affected by these revisions may be adjusted by U.S. EPA.

VI. ADDITIONAL WORK

1. U.S. EPA may determine that work, in addition to that detailed in this Order and Attachment I, is necessary to ascertain the nature and extent of the hazard to human health or the environment which is posed by the presence of the autofluff pile at Respondents' facility. If U.S. EPA determines that any such additional work is necessary, it shall notify the Respondents in writing, specifying the basis and reason for U.S. EPA's determination and the additional work deemed necessary. Within fifteen (15) days after receipt of any such notice, the Respondents shall be afforded an opportunity to meet with U.S. EPA to discuss the additional work required by U.S. EPA.

2. If Respondents continue to disagree with U.S. EPA's determination that additional work is necessary, Respondents shall specify, in writing, within seven (7) days of any conference held to discuss additional work at the facility, the basis and reasons for their disagreement with U.S. EPA's determination. An administrative record shall be kept of any dispute that additional work is necessary. Upon review of the administrative record, the Director of the Waste, Pesticide and Toxics Division shall determine, in writing, whether the additional work requirements shall be implemented pursuant to U.S. EPA's determination, or whether this initial determination shall be reversed or modified in any way. Such decision shall be incorporated into and become an enforceable element of this Order, but will not be considered final Agency action for purposes of judicial review.

3. If the Director of the Waste, Pesticide and Toxics Division determines that additional work is required pursuant to this Order, the Respondents shall submit a workplan for such work determined to be necessary as a result of the dispute resolution process. Respondents shall perform any such additional work, in accordance with the standards, specifications, and schedules deemed necessary and approved by U.S. EPA. All approved additional work performed by the Respondents pursuant to this paragraph shall be performed subject to, and in a manner consistent with, the terms and conditions of this Order. Any requirements for additional work shall be deemed incorporated into this Order as if fully set forth herein.

VII. MINIMUM QUALIFICATIONS FOR PERSONNEL

All work performed by the Respondents pursuant to this Order shall be under the direction and supervision of an individual(s) who has demonstrated expertise in hazardous waste site investigations and remediation. Before any work is performed, Respondents shall notify U.S. EPA in writing of the name, title, and qualifications of the supervisory personnel and contractors or subcontractors and their personnel to be used in carrying out the terms of this Order. In addition, the Respondents shall ensure that when a license is required, only licensed individuals shall be used to perform any work required by this Order.

VIII. PROJECT COORDINATOR/INFORMATION

1. Within ten (10) days of the effective date of this Order, U.S. EPA and Respondents shall each designate a Project Coordinator ("PC"). The PCs shall be responsible for overseeing the implementation of this Order. The U.S. EPA PC will be U.S. EPA's designated representative at the facility.

2. All communications between Respondents and U.S. EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed to and through the respective PCs. Unless otherwise specified, reports, correspondence, approvals, disapprovals, notices, or other submissions relating to or required under this Order shall be in writing and originals or copies shall be sent to:

2 copies: Project Coordinator, Midwest Metallics et al.
Enforcement and Compliance Assurance Branch, DE-9J
United States Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604-3590

2 copies: Cliff Gould
Illinois Environmental Protection Agency
1701 First Avenue
Maywood, Illinois 60153

3. Each party shall provide at least five (5) days written notice prior to changing the PC(s) and shall immediately provide written notification once a new PC is selected.

IX. QUALITY ASSURANCE/QUALITY CONTROL

1. Respondents shall follow U.S. EPA guidance for sampling and analysis. Respondents shall develop a Quality Assurance Project Plan (QAPP) for all sampling and analysis conducted under this Order in accordance with the requirements in Attachment II. Work plans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the QA/QC and chain of custody procedures in approved work plans must be approved by U.S. EPA prior to implementation; must be documented, including reasons for the deviations; and must be reported in the applicable report (e.g., RI Report or Disposal Plan Report).

2. The contact person(s), name(s), addresses, and telephone numbers of the analytical laboratories Respondents propose to use must be specified in the applicable work plan(s).

3. All work plans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use(s).

4. Respondents shall monitor to ensure that high quality data is obtained by their consultant or contract laboratories. Respondents shall ensure that laboratories used by Respondents for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846 Third Edition as amended by Update One, July 1992), or other methods deemed satisfactory to U.S. EPA. If methods other than U.S. EPA methods are to be used, Respondents shall specify and submit all such protocols for U.S. EPA approval in the RI work plan. U.S. EPA may reject any data that does not meet the requirements of the approved work plan or U.S. EPA analytical methods and may require resampling and additional analysis.

5. Respondents shall ensure that laboratories it uses for analyses participate in a QA/QC program equivalent to that which is followed by U.S. EPA. U.S. EPA may conduct a performance and QA/QC audit of the laboratories chosen by Respondents before, during, or after sample analyses. Upon request by U.S. EPA, Respondents shall have its laboratory perform analyses of samples provided by U.S. EPA to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or QA/QC, resampling and additional analysis may be required.

X. U.S. EPA APPROVALS

1. Unless otherwise specified, Respondents shall submit for review by U.S. EPA, any plan, report, specification or schedule submitted pursuant to, or required by this Order. After review of any plan, report or other item, U.S. EPA, after a reasonable opportunity for review and comment by the State, shall: (a) approve, in whole or in part, the submission; (b) approve the submission upon specified conditions; (c) modify the submission to cure the deficiencies; (d) disapprove, in whole or in part, the submission, directing that the Respondents modify the submission; or (e) any combination of the above.

2. In the event of approval, approval upon conditions, or modification by U.S. EPA, pursuant to sub-Paragraph X.1.(a), (b), or (c), Respondents shall proceed to take any action required by the plan, report, or other item, as approved or modified by U.S. EPA. Upon receipt of a notice of disapproval pursuant to sub-Paragraph X.1.(d), Respondents shall, within 15 days or such longer time as specified by U.S. EPA in such notice, correct the deficiencies and resubmit the plan, report, or other item for approval.

3. Notwithstanding the receipt of a notice of disapproval pursuant to sub-Paragraph X.1.(d), Respondents shall proceed, at the direction of U.S. EPA, to take any action required by any non-deficient portion of the submission.

4. All plans, reports, and other items submitted to U.S. EPA under this Order shall, upon approval or modification by U.S. EPA, be enforceable under this Order, as approved or modified. Unless otherwise specified by U.S. EPA, the Respondents shall submit a revised document within thirty (30) days of their receipt of U.S. EPA's written comments and/or required modifications. Any such revised document submitted by the Respondents shall incorporate changes responsive to U.S. EPA's comments and/or suggested modifications.

5. Unless otherwise specified, within thirty (30) days of receipt of U.S. EPA's final written approval of any plan, report or other item, the Respondents shall commence the work approved by U.S. EPA, in accordance with the U.S. EPA-approved schedule. Any noncompliance with any such U.S. EPA-approved plan, report, specification, or schedule shall be considered a violation of this Order.

6. Prior to Respondents' receipt of U.S. EPA's written approval, no plan, report, specification or schedule shall be construed as finally approved. Verbal advice, suggestions, or comments given by U.S. EPA representatives will not constitute an official approval, nor shall any verbal approval or verbal assurance of approval be considered binding.

XI. ON-SITE AND OFF-SITE ACCESS

1. Until this Order is terminated pursuant to Section XVI, Respondents shall permit U.S. EPA representatives, authorized designees, employees, agents, contractors, subcontractors, or consultants to enter and freely move about the facility for, but not limited to, the following purpose(s):

a) Interviewing facility personnel, contractors (including subcontractors and independent contractors), or any other entity or individual responsible for implementing any aspect or portion of this Order; inspecting records relating to the facility and this Order;

b) Conducting sampling, monitoring, or any other such activity related to this Order; using a camera, sound recording, video or any other documentary type equipment; or,

c) Verifying the reports and data submitted to U.S. EPA by the Respondents.

2. Respondents shall retain all documents generated pursuant to this Order for five (5) years.

3. The Respondents shall make available to U.S. EPA, or any of the persons named in paragraph 1 of this section that are designated as U.S. EPA's representatives for the purposes of access, for inspection, copying, or photographing, all records, files, photographs, documents, or any other writing, including monitoring and sampling data, that pertain to any work undertaken pursuant to this Order.

4. To the extent that work required by this Order must be performed on property not owned or controlled by the Respondents, the Respondents shall use its best efforts to obtain a "Site Access Agreement" to perform such work within thirty (30) days of the date Respondents become aware or should be aware of a need to perform such work. Any such Access Agreement shall provide for reasonable access by U.S. EPA, and any of the persons listed in paragraph 1 of this Section, which are designated as U.S. EPA's representatives for the purposes of access. In the event that a Site Access Agreement is not obtained within the thirty-day period, the Respondents shall notify U.S. EPA, in writing, documenting its best efforts to obtain such agreements. Best efforts, as used in this paragraph, shall include, at a minimum:

a) A certified letter from the Respondents to the present owner of such property requesting permission to allow the Respondents, U.S. EPA and any of their designated representative(s) access to such property; and

- b) The property owner's response, if any.
- c) Reasonable compensation or an offer of reasonable compensation by Respondents to property owner in consideration of access.

5. Nothing in this Order shall be construed to limit or otherwise affect U.S. EPA's right of access and entry pursuant to any applicable laws and regulations, including RCRA and the Comprehensive Environmental Response Compensation and Liability Act of 1980 "CERCLA", as amended, 42 U.S.C. § 9601 et seq.

6. Nothing in this Section shall be construed to limit or otherwise affect the Respondents' liability and obligation to perform environmental response actions, including environmental response actions beyond the facility boundary, notwithstanding the lack of access. U.S. EPA may determine in the future that additional on-site measures must, pursuant to another Order, permit, or plan, be taken to address releases beyond the facility boundary if access to off-site areas cannot be obtained.

XII. AVAILABILITY OF INFORMATION/NOTIFICATION

1. Respondents shall give the U.S. EPA PC twenty (20) days advance oral notice of the following activities undertaken pursuant to this Order: all well monitoring activities, including, but not limited to, drilling, installation and testing; and all on-site and off-site field activities, such as installation or removal of equipment, or sampling events, geophysical studies, or soil gas monitoring. At the request of U.S. EPA, Respondents shall provide or allow U.S. EPA or its authorized representatives to take split samples of any or all samples collected by the Respondents pursuant to this Order.

2. All data, information, and records created for or maintained by the Respondents pursuant to this Order shall be made available to U.S. EPA upon request. Respondents shall use their best efforts to insure that all employees of the Respondents and all persons, including consultants, contractors and subcontractors who engage in activities under this Order, are made available to, and cooperate with, U.S. EPA if information, whether written or oral, is sought.

XIII. RESERVATION OF RIGHTS

1. U.S. EPA expressly reserves, without limitation, all of its statutory and regulatory powers, authorities, rights,

remedies and defenses, both legal and equitable, including the right to seek injunctive relief, cost recovery, monetary penalties, or punitive damages.

2. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, defenses, powers and or authorities which U.S. EPA has under RCRA, CERCLA, or any other statutory, regulatory or common law authority of the United States.

3. This Order shall not limit or otherwise preclude U.S. EPA from taking any additional legal action against the Respondents should U.S. EPA determine that any such additional legal action is necessary or warranted.

4. This Order shall not relieve the Respondents of its obligation to obtain and comply with any federal, state, county or local permit, nor is this Order intended to be, nor shall it be construed to be, a ruling or determination on, or of, any issue related to any federal, state, county, or local permit.

5. U.S. EPA reserves the right to perform any portion of the work required by this Order including, but not limited to, any additional site characterization, feasibility study, and/or response deemed necessary to protect human health or the environment.

6. Notwithstanding compliance with the terms of this Order, Respondents are not released from liability for the costs of any response actions taken by U.S. EPA. U.S. EPA reserves the right to seek reimbursement from Respondents for any costs incurred by the United States.

XIV. NON-RELEASE OF OTHER CLAIMS AND PARTIES

Nothing in this Order shall constitute, or be construed to constitute, a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability Respondents may have arising out of, or relating in any way to, the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituent, hazardous substance, hazardous waste, pollutant, or contaminant found at, taken to, taken from, or emanating from the facility.

XV. OTHER APPLICABLE LAWS

Respondents shall undertake all actions required by this Order in accordance with the requirements of all applicable local, state and federal laws and regulations. Respondents shall obtain all permits or approvals necessary to perform the work required by this Order.

XVI. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied and the obligations of the Respondents under this Order shall terminate upon Respondents' receipt of a written statement from U.S. EPA that Respondents have completed, to U.S. EPA's satisfaction, all the terms and conditions of this Order, including any additional work which U.S. EPA may determine to be necessary pursuant to this Order. So long as the Respondents are performing work pursuant to, or required by this Order, this Order shall not be deemed terminated or satisfied. At any time after Respondents complete all of the tasks required by this Order, Respondents may request in writing that U.S. EPA provide Respondents with this statement of completion. Within ninety (90) days after any such request by Respondents, U.S. EPA will use its best efforts to provide Respondents with this statement of completion, or a written statement as to the basis for a refusal to provide Respondents with such statement of completion.

XVII. MODIFICATION

1. This Order may be amended by U.S. EPA. Such amendments shall have as their effective date the date on which they are signed by the Chief of the Enforcement and Compliance Assurance Branch; Waste, Pesticides and Toxics Division, U.S. EPA, Region 5.

2. Notwithstanding the above, the U.S. EPA PC and the Respondents may agree to changes in the scheduling of events. Any such changes must be requested in writing by the Respondents and be approved in writing by the U.S. EPA PC.

3. No informal advice, guidance, suggestions, or comments by U.S. EPA regarding reports, plans, specifications, schedules, and any other writing submitted by the Respondents will be construed as an amendment or modification to this Order.

XVIII. SEVERABILITY

If a court issues an order that invalidates or stays any provision of this Order, or finds that any or all of the Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondent(s) shall remain bound to comply with all provisions of this Order not affected by the court's order.

XIX. OPPORTUNITY TO CONFER

1. As provided in Section 3013(c) of RCRA, 42 U.S.C. § 6934(c), Respondents or their representative(s) have the right to confer with U.S. EPA on the actions required pursuant to this Order. The scheduling of a conference with U.S. EPA does not relieve Respondents of the obligation to submit the RI work plan required under Section V of this Order within thirty (30) calendar days of the issuance of this Order. The opportunity to confer with U.S. EPA may be pursued by Respondents before the initial submission of the RI work plan required under Section V is due. If Respondents have submitted their written Notice of Intent to Comply pursuant to Section XX of this Order, they may also exercise their opportunity to confer with U.S. EPA after they submit, for U.S. EPA approval pursuant to Section X, the RI work plan required under Section V of this Order.

2. At any time prior to the initial submittal of the RI Work Plan required under Section V of this Order, Respondents or their representative may also provide information, in writing or in person, to U.S. EPA to show why Respondents should not be subject to this Order, and may provide whatever additional information Respondents believe is relevant to the disposition of this matter. If the information is initially provided verbally to U.S. EPA, it shall be reduced to writing within fourteen (14) days after the meeting or conference in which the information is originally provided.

3. Any request for a conference with U.S. EPA, and other questions regarding this Order, should be directed to:

Sherry L. Estes
Office of Regional Counsel, C-14J
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-7164

XX. NOTICE OF INTENTION TO COMPLY/ PENALTIES FOR NONCOMPLIANCE

1. Respondents shall notify U.S. EPA in writing within five (5) business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order. Notice shall be sent to:

Sherry L. Estes
Office of Regional Counsel, C-14J
United States Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 886-7164

2. If Respondents fail to comply with any terms or provisions of this Order which are issued pursuant to the provisions of RCRA § 3013, U.S. EPA reserves the right to commence a subsequent action to require compliance and/or to assess a civil penalty. Pursuant to RCRA § 3013, the Federal Civil Penalties Inflation Adjustment Act, 28 U.S.C. § 2461, and U.S. EPA's implementing regulations published at 61 Fed. Reg. 69360 (December 31, 1996), a court may assess a civil penalty not to exceed \$5,500 per day for each day that Respondents unreasonably fail to comply with any provision of this Order issued pursuant to Section 3013.

XXI. IMMINENT AND SUBSTANTIAL ENDANGERMENT

Notwithstanding any other provision of this Order, enforcement actions may be brought against Respondents, pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973 and/or any other applicable statutory or regulatory authority, should U.S. EPA find that additional measures are necessary to prevent an imminent and substantial endangerment to human health or the environment.

XXII. EFFECTIVE DATE

The effective date of this Order shall be ten (10) days after the date on which the Chief of the Enforcement and Compliance Assurance Branch of the Waste, Pesticides and Toxics Division, U.S. EPA, Region 5, signs this Order.

It is so Ordered:

Joseph M. Boyle
Joseph M. Boyle, Branch Chief
Enforcement & Compliance Assurance Branch
Waste, Pesticides and Toxics Division
United States Environmental Protection Agency
Region 5

July 29, 1998
Date

Attachment I

SCOPE OF WORK FOR A
REMEDIAL INVESTIGATION

JUN 18 1998

JUN 18 1998

JUN 18 1998

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Terance Coogan
Midwest Metallics
7955 W. 59th Street
Summit, Illinois 60501

Re: Section 3007 Information Request
Midwest Metallics
ILD 054 348 974

Dear Mr. Coogan:

This is in regards to the request for information sent to you by the United States Environmental Protection Agency (U.S. EPA), dated April 1, 1998. The information request directed you to provide information relating to Midwest Metallics' notification of regulated waste activity, within 30 days of receipt of the request. According to the United States Postal Service record, the information request was received at your facility on April 3, 1998. Per the terms of the information request, your response was due to the U.S. EPA on May 3, 1998.

As of today, I have not received a response to the information request.

Failure to respond to the Information Request or adequately justify such failure to respond can result in enforcement action by the U.S. EPA pursuant to 3008 of the Resource Conservation and Recovery Act, with penalties of up to \$25,000 per day of violation.

If you have any questions regarding this matter, please contact me at 312-886-6795. Any written response should be sent to the U.S. EPA , Enforcement and Compliance Assurance Branch (DE-9, Illinois/Indiana Section, 77 W. Jackson Blvd., Chicago, IL 60604.

Sincerely yours,

John Gaitskill
Enforcement and Compliance
Assurance Branch

bcc: Sherry Estes
Section Copy
Branch Copy

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
<i>BE 6/16/98</i>					
AUTHOR/ TYPIST	MINN/OHIO SECTION CHIEF	MICHIGAN/ WISCONSIN SECTION CHIEF	ILLINOIS/ INDIANA SECTION CHIEF	ECAB BRANCH CHIEF	WPTD DIVISION DIRECTOR
<i>STH 17 June 98</i>			<i>atwfer LJ 6/16/98</i>		

DE-9K/JG:be/6/16/98/filename:mmetalli.inf

§ 3013
RCRA ENFORCEMENT ACTION SIGN-OFF

PART I BACKGROUND

FACILITY NAME MIDWEST METALLICS
FACILITY LOCATION 1955 WEST 95TH ST
EPA ID NUMBER ILD 1054 348974
ASSIGNEES ECAB GAITSKILL ORC ESDES
NATURE OF VIOLATION RCRA § 3013 ORDER
DATE OF DISCOVERY NA
DATE OF REFERRAL FROM STATE NA () NOT APPLICABLE
ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:
NA

PART II RECOMMENDATION

This 3013 order is to require sampling to determine if pile of auto fluff is hazardous

PART III CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
1. ECAB ASSIGNEE	<u>JEH</u>	<u>16 MAR 98</u>	(<input checked="" type="checkbox"/>)	()
2. CHIEF, ECAB SECTION	<u>SE</u>	<u>9 April 98</u>	()	()
3. ASSISTANT REGIONAL COUNSEL			()	(<input checked="" type="checkbox"/>)

substantial comments

PART IV ADDRESSEE & DATE OF 3008(A)(2) NOTICE LETTER

PART V APPROVAL

1. ECAB ASSIGNEE	_____	_____	()	()
2. ECAB SECTION CHIEF	_____	_____	()	()
3. ASSISTANT REGIONAL COUNSEL	_____	_____	()	()
4. CHIEF, ORC SECTION	_____	_____	()	()
5. ECAB BRANCH CHIEF	_____	_____	()	()
6. DIRECTOR, WPTD	_____	_____	()	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.

RETURN TO A. PERRY, ~~BRE-BJ~~, FOR MAILING.

DE 95



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

April 7, 1998

Jim Ryan
ATTORNEY GENERAL

John Gaitskill
U. S. E.P.A.
Mail Code DE9J
77 West Jackson
Chicago, IL 60604

Re: Midwest Metallica

Dear John:

Enclosed are the inspection reports cited in the Midwest Metallica complaint. I was unable to locate more information on the report dated 12/05/90.

If you have any questions or need more information, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, which appears to read "Frances E. Spahn", is written over a large, stylized, looping flourish.

Frances E. Spahn, Law Clerk
Environmental Bureau
Assistant Attorney General
100 West Randolph Street, 11th Floor
Chicago, IL 60601
(312)814-3369

cc: Alyssa Fron



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

P564 478 126

REPLY TO THE ATTENTION OF:

APR 01 1998

DE-9J

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Mr. Terance Coogan
Midwest Metallics
7955 W 59th St
Summit, IL 60501

Re: RCRA § 3007 Information Request
ILD 054 348 974

Dear Mr. Coogan:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA), pursuant to its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927. The information requested herein relates to the Notification of Regulated Waste Activity submitted by Midwest Metallics in July 1996.

The information submitted pursuant to this request must be notarized and submitted over the signature of a responsible officer of Midwest Metallics, certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge or belief. The information requested herein must be provided to this office within thirty (30) days of receipt of this letter.

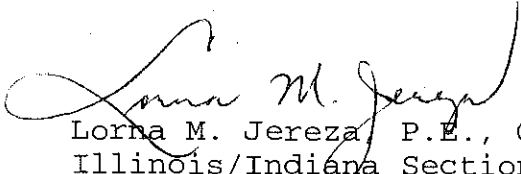
Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory shall notify Region 5. If any answer certified as true is found to be untrue or misleading, the signatory may be prosecuted pursuant to 18 U.S.C. § 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Midwest Metallics may, pursuant to 40 CFR § 2.203(a) of the Code of Federal Regulations, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR §2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent and by the means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted,

since any information not so identified may be made available to the public without further notice.

If you have any questions regarding this matter, please contact John Gaitskill at (312) 886-6795.

Sincerely yours,

A handwritten signature in cursive script, reading "Lorna M. Jereza". The signature is written in dark ink and is positioned above the typed name and title.

Lorna M. Jereza, P.E., Chief
Illinois/Indiana Section
Enforcement and Compliance Assurance Branch
Waste Pesticides and Toxics Division

Enclosure

cc: Gino Bruni, IEPA

bcc: John Gaitskill, DRE-9J
 Sherry Estes, C-14J
 Section file
 Branch file

ENFORCEMENT & COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	OFFICE OF REGIONAL COUNSEL	Illinois/ Indiana SECTION CHIEF
JTH 12/16/98	SS 3/27/98	LmV 3/31/98

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

MIDWEST METALLICS)	Information Request Pursuant
7955 W 59TH ST)	to Section 3007 of the Resource
SUMMIT, IL 60501)	Conservation and Recovery Act,
)	as amended, 42 U.S.C. § 6927

EPA ID NO.: ILD 054 348 974

This is a request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request requires Midwest Metallics (respondent) to submit information related to the Notification of Regulated Waste Activity submitted to U.S. EPA in July 1996 for its facility at 7955 West 59th Street, Summit, Illinois (facility), and is for the purpose of enforcing the provisions of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq. The U.S. EPA has determined that this information is necessary to ascertain the compliance status of Midwest Metallics with the RCRA regulations.

I. INSTRUCTIONS

This request requires the submittal by Respondent of all information

called for, in as detailed a manner as possible. Where specific information is not available or accessible, an explanation of the method by which each answer is determined must be provided.

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. Respondent is entitled to assert a claim of confidentiality pursuant to 40 CFR § 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of the U.S. EPA determines to constitute methods, processes or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2, Subpart B. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Any such confidentiality request must specifically indicate which items, documents and/or information are claimed as confidential, and must provide a detailed explanation supporting specifically each indicated item, document and/or information.

The information submitted pursuant to this request must be notarized and returned over the signature of a responsible company officer

certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief using the following statement:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

The information requested herein must be provided to the U.S. EPA within thirty (30) days of receipt of this request. The response to this request shall be sent to the following address:

John Gaitskill
United States Environmental Protection Agency
Enforcement and Compliance Assurance Branch (DE-9J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Should the signatory find at any time after submittal of the requested information that any portion of the submittal certified as true is false or misleading, the signatory should submit corrected information to the U.S. EPA, Region 5 office, within 10 days of discovery. If any information submitted under this information request is found to be untrue or misleading, the signatory may be prosecuted under Section 1001 of Title 18 of the United States Code. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

II. DEFINITIONS

"Hazardous waste" means a hazardous waste as defined in 40

CFR § 261.3.

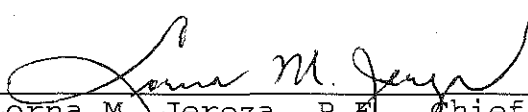
III. REQUEST FOR ANSWERS TO QUESTIONS AND THE PRODUCTION OF DOCUMENTS

Respondent shall provide all data necessary to answer the following information requests for its facility at 7955 West 59th Street, Summit, Illinois.

1. By submittal sign 15 July 1996 (attachment), the U. S. EPA was notified by Midwest Metallics, EPA ID # ILD 054 348 974, of hazardous waste activity at its facility. Verify that all the information on that notification is still valid.
2. If the information contained in the notification is still valid, elaborate on the information contained in section VII, pertaining to ownership. The notification indicates CORP as the owner. Provide the address and telephone number of CORP as indicated on the form.
3. In Section VIII of the notification, a mark was put in item 3, "Highway" under the Transporter heading. This indicates Respondent is a transporter of hazardous waste, pursuant to 40 CFR part 263. If that is still valid, provide a copy of the shipping manifest required by 40 CFR 263.22 for each shipment performed by the facility since 1 July 1997.

4. In section IX, entitled "Description of Regulated Wastes", the notification indicates the U. S. EPA code for the hazardous waste handled by the facility to be D001, ignitable waste. Provide a list of the names of the hazardous wastes with that code handled by the facility.

Issued this 31st day of March, 1998.


Lorna M. Jereza, P.E., Chief
Illinois/Indiana Section

Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division
United States Environmental Protection Agency
Region 5

RECEIVED
Form Approved OMB No. 2050-0028 Expires 9-30-92
GSA No. 0248-EPA-01

Please print or type with ELUTE type (12 characters per inch) in the unshaded areas only

Please refer to the instructions for filling out this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).



EPA

Notification of Regulated Waste Activity

United States Environmental Protection Agency

DATE RECEIVED
(For Official Use Only)
WASTE MANAGEMENT BRANCH
Pesticides & Toxics Division
EPA - REGION 5

I. Installation's EPA ID Number (Mark 'X' in the appropriate box)



A. First Notification



B. Subsequent Notification (complete item C)

C. Installation's EPA ID Number

ILD 054348974

II. Name of Installation (include company and specific site name)

MIDWEST METALLICS

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street

7955 W 59th St

Street (continued)

City or Town

SUMMIT

State

ZIP Code

IL

60501

County Code

County Name

031 COOK

IV. Installation Mailing Address (See Instructions)

Street or P.O. Box

City or Town

State

ZIP Code

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (last)

COOGAN

(first)

TERANCE

Job Title

GENERAL COUNCIL

Phone Number (area code and number)

708-594-7171

VI. Installation Contact Address (See Instructions)

A. Contact Address Location Mailing

B. Street or P.O. Box

City or Town

State

ZIP Code

VII. Ownership (See Instructions)

A. Name of Installation's Legal Owner

CORP

Street, P.O. Box, or Route Number

City or Town

State

ZIP Code

Phone Number (area code and number)

B. Land Type

C. Owner Type

D. Change of Owner Indicator

(Date Changed)

Month Day Year

(D - For Official Use Only)

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to instructions.)

A. Hazardous Waste Activity		B. Used Oil Fuel Activities
1. Generator (See instructions) <input type="checkbox"/> a. Greater than 1000kg/mo (2,200 lbs.) <input checked="" type="checkbox"/> b. 100 to 1000 kg/mo (220 - 2,200 lbs.) <input type="checkbox"/> c. Less than 100 kg/mo (220 lbs.) 2. Transporter (Indicate Mode in boxes 1-5 below) <input type="checkbox"/> a. For own waste only <input type="checkbox"/> b. For commercial purposes Mode of Transportation <input type="checkbox"/> 1. Air <input type="checkbox"/> 2. Rail <input checked="" type="checkbox"/> 3. Highway <input type="checkbox"/> 4. Water <input type="checkbox"/> 5. Other - specify _____ <input type="checkbox"/> 5. Underground Injection Control	<input type="checkbox"/> 3. Treater, Storage, Disposer (All installation) Note: A permit is required for this activity; see instructions. 4. Hazardous Waste Fuel <input type="checkbox"/> a. Generator Marking to Burner <input type="checkbox"/> b. Other Marketers <input type="checkbox"/> c. Boiler and/or Industrial Furnace <input type="checkbox"/> 1. Smelter/Referral <input type="checkbox"/> 2. Small Quantity Exemption Indicate Type of Combustion Device(s) <input type="checkbox"/> 1. Utility Boiler <input type="checkbox"/> 2. Industrial Boiler <input type="checkbox"/> 3. Industrial Furnace	1. Off-Specification Used Oil Fuel <input type="checkbox"/> a. Generator Marking to Burner <input type="checkbox"/> b. Other Marketer <input type="checkbox"/> c. Burner - Indicate device(s) - Type of Combustion Device <input type="checkbox"/> 1. Utility Boiler <input type="checkbox"/> 2. Industrial Boiler <input type="checkbox"/> 3. Industrial Furnace <input type="checkbox"/> 2. Specification Used Oil Fuel Marketer (or On-site Burner) Who First Claims the Oil Meets the Specification

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic (D000)	(List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33. See instructions if you need to list more than 12 waste codes.)

1 D001	2	3	4	5	6
7	8	9	10	11	12

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number. See instructions.)

1	2	3	4	5	6
---	---	---	---	---	---

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature <i>Terence J. Coogan</i>	Name and Official Title (type or print) GENERAL TERENCE J. COOGAN COUNSEL	Date Signed JULY 15, 1996
---------------------------------------	--	------------------------------

XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)

1.2/96

RCRA ENFORCEMENT ACTION SIGN-OFF

3007

PART I BACKGROUND

FACILITY NAME MIDWEST METALLICS
 FACILITY LOCATION 7955 West 59th St
 EPA ID NUMBER IND 054348974
 ASSIGNEES ECAB GALTSKILL ORC ESTES
 NATURE OF VIOLATION 3007 REQUEST
 DATE OF DISCOVERY _____
 DATE OF REFERRAL FROM STATE _____ () NOT APPLICABLE
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:
STATE ACTION FILED 1996

PART II RECOMMENDATION

PART III CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
1. ECAB ASSIGNEE	<u>STG</u>	<u>12 MAR 98</u>	(X)	()
2. CHIEF, ECAB SECTION	<u>WD</u>	<u>3-31-98</u>	(X)	()
3. ASSISTANT REGIONAL COUNSEL	<u>SS</u>	<u>26 MAR 98</u>	(X)	()

PART IV ADDRESSEE & DATE OF 3008(A)(2) NOTICE LETTER

NA

PART V APPROVAL

1. ECAB ASSIGNEE	<u>WD</u>	<u>12 MAR 98</u>	(X)	()
2. ECAB SECTION CHIEF	<u>WD</u>	<u>3-31-98</u>	(X)	()
3. ASSISTANT REGIONAL COUNSEL	<u>SS</u>	<u>26 MAR 98</u>	(X)	()
4. CHIEF, ORC SECTION	_____	_____	()	()
5. ECAB BRANCH CHIEF	_____	_____	()	()
6. DIRECTOR, WPTD	_____	_____	()	()

*with minor revision
commented
to
Gautschi
changed
CCRP to
CORP
HTG
30 MAR 98*

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.

RETURN TO A. PENNY, DE-9J, FOR MAILING.

B ENGRAM DE-9J

30 March 98

Hartskill assigned
early March 98

Facility Chicago Shredding / SCA
 EPA ID # none
 ECAB CONTACT Hartskill
 ORC CONTACT Cates

MODEL CASE SCHEDULE				
Milestone Event	Responsibility	Date	ECAB Staff Initials	ORC Staff Initials
If there is a need for a Pre-Inspection Information Request (IR) Letter start at milestone #1. If not, go to milestone #4				
1. Attorney Assignment Form	Program	NA		
2. Pre-inspection IR Letter sent	Program/ORC	NA		
3. Response due on Pre-Inspection IR	Respondent	NA		
4. Draft Inspection Rept for Rev/Comment	Program	no report done for Dec 97 inspection.		
5. Comments on Draft Inspection Report	Program/ORC (if MM)			
6. Final Inspection Report	Program			
7. Attorney Assignment form, if necessary	Program	NA		
8. Post-Inspection IR Letter Sent	Program/ORC	none planned		
9. Response due on Post-Inspection IR	Respondent	NA		
10. Test (e.g., Stack)/Lab results due	Respondent/EPA/State/Contractor	USEPA contract underway for sampling May 98	JH	
11. Proposed Finding of Fact & Penalty Calculations to ORC	Program	NA if no violations found		
12. Concurrence on Proposed Finding of Fact and Penalty Calculations	ORC			
13. Notification: o State o Pre-filing for SBREFA o CSI	Program			
If non-penalty Administrative Order				
14. CCDS and Milestone Forms completed	ORC & Program			
15. Final Order Signed/Issued	Program/ORC			
16. CCDS and Milestone Forms submitted to DOCKET Staff for data entry	ORC			
IF Administrative Penalty Order or Corrective Action Unilateral Administrative Orders				
14. Complaint filed w/ Reg. Hearing Clerk				
15. Transmittal Letter Sent to Respondent, Financial Management, OPA, and ALJ	Program/ORC			
16. DOCKET Milestone Form submitted to DOCKET Staff	ORC			
IF Judicial Referral:				
14. Referral Package sent to DOJ	ORC			
15. DOCKET Milestone Form submitted to DOCKET Staff	ORC			

Sampling results will determine if enforcement actions are the necessary for illegal storage pit

Facility Midwest Metallics
 EPA ID # 12D 054 348 974
 ECAB CONTACT GAITSKILL
 ORC CONTACT ESTES

30 March 98
 Gaitskill assigned
 early March 98

MODEL CASE SCHEDULE				
Milestone Event	Responsibility	Date	ECAB Staff Initials	ORC Staff initials
If there is a need for a Pre-Inspection Information Request (IR) Letter start at milestone #1. If not, go to milestone #4				
1. Attorney Assignment Form	Program	NA part of Chicago suit.		
2. Pre-inspection IR Letter sent	Program/ORC	NA		
3. Response due on Pre-Inspection IR	Respondent			
4. Draft Inspection Rept for Rev/Comment	Program			
5. Comments on Draft Inspection Report	Program/ORC(if MM)			
6. Final Inspection Report	Program			
7. Attorney Assignment form, if necessary	Program	NA		
8. Post-Inspection IR Letter Sent	Program/ORC			
9. Response due on Post-Inspection IR	Respondent			
10. Test (e.g., Stack)/Lab results due <u>AT Keoney sampling under contract</u>	Respondent/EPA/Stat of Contractor	Nov 96	JH	
11. Proposed Finding of Fact & Penalty Calculations to ORC	Program			
12. Concurrence on Proposed Finding of Fact and Penalty Calculations	ORC			
13. Notification: o State <u>CC of SBREFA LTR.</u> o Pre-filing for SBREFA o CSI	Program July 97 July 97 NA		JH	
If non-penalty Administrative Order				
14. CCDS and Milestone Forms completed	ORC & Program			
15. Final Order Signed/Issued	Program/ORC			
16. CCDS and Milestone Forms submitted to DOCKET Staff for data entry	ORC			
IF Administrative Penalty Order or Corrective Action Unilateral Administrative Orders				
14. Complaint filed w/ Reg. Hearing Clerk				
15. Transmittal Letter Sent to Respondent, Financial Management, OPA, and ALJ	Program/ORC			
16. DOCKET Milestone Form submitted to DOCKET Staff	ORC			
IF Judicial Referral:				
14. Referral Package sent to DOJ	ORC			
15. DOCKET Milestone Form submitted to DOCKET Staff	ORC			

Although there is concurrence of EPA, ORC, and Program from 12/96 sampling it was previously decided to send RCRA 3013 order to facility for further sampling. The draft has been at ORC for review. Previously it was decided a DOS report would be prepared but no further pleads have been made.

Technical portion can be ready end of May 98

30 March 98

Haitzkill
assigned
early March 98

Facility Midwest Metallurg
 EPA ID # 12D 054 348 974
 ECAB CONTACT G AITSKILL
 ORC CONTACT BSTEES

MODEL CASE SCHEDULE				
Milestone Event	Responsibility	Date	ECAB Staff Initials	ORC Staff initials
If there is a need for a Pre-Inspection Information Request (IR) Letter start at milestone #1. If not, go to milestone #4				
	Program	NA port of Chicago Init.		
	Program/ORC	NA		
	Respondent			
	Program			
	Program/ORC(if MM)			
	Program			
	Program	NA		
	Program/ORC			
	Respondent			
	Respondent/EPA/Stat e/ Contractor	Nov 96	JTJ	
11. Proposed finding of fact & penalty Calculations to ORC	Program			
12. Concurrence on Proposed Finding of Fact and Penalty Calculations	ORC			
13. Notification: o State <u>CC of SBREFA LTR</u> o Pre-filing for SBREFA o CSI	Program July 97 July 97 NA		JTJ	
If non-penalty Administrative Order				
14. CCDS and Milestone Forms completed	ORC & Program			
15. Final Order Signed/Issued	Program/ORC			
16. CCDS and Milestone Forms submitted to DOCKET Staff for data entry	ORC			
IF Administrative Penalty Order or Corrective Action Unilateral Administrative Orders				
14. Complaint filed w/ Reg. Hearing Clerk				
15. Transmittal Letter Sent to Respondent, Financial Management, OPA, and ALJ	Program/ORC			
16. DOCKET Milestone Form submitted to DOCKET Staff	ORC			
IF Judicial Referral: <u>technical portion can be ready end of May 98</u>				
14. Referral Package sent to DOJ	ORC			
15. DOCKET Milestone Form submitted to DOCKET Staff	ORC			

Jama: On 30 Mar 98, Sherry told me she did not have the case schedule or MM you showed her on 12 Mar 98 after the meeting. I didn't keep a copy and I could not find original in your desk so I recreated this one.

Keoney
abstract

Although there is evidence of RCRA violation from Dec 96 sampling it was previously decided to send RCRA 3013 order to facility for further sampling. The draft has been at ORC for review. It was decided a DOI referral would be prepared but no further plans have been made.



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

2200 Churchill Road, Springfield, Illinois 62794-9276

Mary A. Gade, Director

(217)782-5544

(TDD: 217-782-9143)

September 4, 1997

Joseph M. Boyle, Chief
Enforcement and Compliance
Assurance Branch
United States Environmental
Protection Agency
Region 5
77 West Jackson Boulevard
DRE-8J
Chicago, Illinois 60604-3590

Re: Midwest Metallica, L.P.
7955 West 59th Street
Summit, Illinois
H.D. 054 348 974

Dear Mr. Boyle:

Thank you for your July 9, 1997 letter to Mr. Child in which you expressed the concerns of the United States Environmental Protection Agency ("U.S. EPA") regarding the Midwest Metallica site in Summit. I sent a copy of your letter to Assistant Counsel Peter Orlinsky at our Maywood office for further action. Mr. Orlinsky is the attorney assigned to support the enforcement litigation by the Illinois Attorney General against Midwest Metallica. Mr. Orlinsky will work with the Attorney General to include the U.S. EPA concerns in the resolution of the current enforcement case.

If you have any further questions, or if you need further information, please contact me, or you can contact Peter Orlinsky at (708)338-7890.

Sincerely,

A handwritten signature in cursive script that reads "Bill Ingersoll".

William D. Ingersoll
Associate Counsel

*Complaint
File*

JUL 25 1997

DRE-8J

Mr. Russell R. Eggert
Mayer, Brown & Platt
190 South La Salle Street
Chicago, Illinois 60603-3441

Re: Midwest Metallics, L.P.
7955 West 59th Street
Summit, Illinois
ILD 054 348 974

Dear Mr. Eggert:

This letter is to notify you that the United States Environmental Protection Agency (U.S. EPA) is prepared to bring a civil administrative or judicial enforcement proceeding against Midwest Metallics, L.P. for violations of the Resource Conservation and Recovery Act (RCRA) if the settlement negotiations with the State of Illinois do not produce an agreement in an expedited manner. The complaint would allege that Midwest Metallics has violated Section 3005(a) of RCRA in that Midwest Metallics owns and operates a treatment, storage and/or disposal facility without a hazardous waste permit. The complaint would seek civil penalties for these violations.

Before filing the complaint, however, we are extending to you the opportunity to advise the U.S. EPA of any factors you believe that the U.S. EPA should consider before issuing the civil complaint. Relevant factors might include any evidence of reliance upon on-site compliance assistance provided by U.S. EPA or the State agencies exercising delegated authority, misidentification of the proper party, or financial factors bearing on your ability to pay a civil penalty. If you believe that there are financial factors which bear on your ability to pay a civil penalty, please complete the attached questionnaire and provide the requested documents for the past five years.

Please note that U.S. EPA may consider and use information provided by you in a civil or criminal proceeding related to this matter. All information provided by you will also be provided to the State of Illinois .

It is our intention to file the civil administrative complaint on or around September 1, 1997, if no consent decree is entered by the State and Midwest Metallica before this date. Please submit your response to this office within fifteen (15) business days of receipt of this letter. Midwest Metallica should direct its response to Michael Ribordy, 77 West Jackson Boulevard (DRE-8J), Chicago, Illinois 60604. Thank you for your prompt attention to this matter.

Sincerely yours,

Joseph M. Boyle, Chief
Enforcement and Compliance
Assurance Branch

Attachment

cc: Terrence J. Coogan, Midwest Metallica (w/attachment)
William C. Child, Illinois EPA (w/attachment)
RoseMarie Cazeau, IAGO (w/attachment)

bcc: Sherry Estes, ORC (w/attachment)
Branch File
Section File
Compliance File (w/attachment)

f:\user\share\ILINECAB\midshow.cau

DRE-8J/MR://be/7/1/97/filename:midshow.cau

ATTACHMENT I

Information Request

Section I.

1. List every corporation, partnership (including limited partnerships) and sole proprietorship in which the principals of Midwest Metallics hold an ownership interest or exercise management responsibility. Identify the legal form of each business.

2. For each business entity listed in the response to question #1, above, provide the following:

- a) the legal name of the entity;
- b) the current address and telephone number of the business entity;
- c) specify the business activity;
- d) specify the total capitalization and the percentage of each principal's ownership interest in the business;
- e) the title of any position each principal now holds with the business and the date that the principal assumed this position. Briefly describe the principal's responsibilities and activities in each position;

3. For each business that is listed in response to question #1 of this Section, identify any and all person(s) related to the principals of Midwest Metallics by birth, or by marriage, who holds an ownership interest in that business or is employed by that business. For each person identified, provide the following information:

- a) specify the individual's name and his/her relationship to the principal and provide the individual's current address and telephone number;
- b) specify the individual's ownership interest as a percentage of capitalization;
- c) specify the job title and period of incumbency.

Section II.

1. For each business entity listed in your response to Question #1, Section I, and that a Midwest Metallics principal and his or

her family members, related to by birth or by marriage, own a combined majority interest in, provide:

- a) for the last five tax years, federal income tax returns and all supporting schedules;
- b) for the last five tax years, complete independent auditors' reports and all notes thereto;
- c) for the last five years, internal financial statements such as the balance sheets, income statements, and source and application of funds or cash flow statements with any comments attached;
- d) for the last five years, list every tangible asset and, detailed asset by asset, its corresponding accumulated depreciation schedule or amortization of intangibles relating to those assets;
- e) for the last five years, list the names, addresses, and account numbers of all financial institutions, including banks, savings and loans, credit unions, brokerage houses, stock funds, mutual fund companies, investment companies, and bonding companies with which the entity has had an account. For each account, list the type of asset and the current value of the asset;
- f) for the last five years, submit a detailed schedule of bank loans payable and other loans payable. For each loan listed, provide the original amount borrowed, terms of the loan, due date, amortization schedule, any restriction, balance now due, and the financing statements submitted with the original loan application;
- g) copies of all loan applications and financing statements filed in support of any lien placed on equipment or property during the last five years;
- h) a copy of the corporate charter and the articles of incorporation, if any, or any partnership agreement;
- I) for the last five years, a copy of all annual reports prepared and submitted to any state and/or federal government and/or regulatory authority;
- j) state the names, addresses and social security number of all shareholders, number of shares owned by each, percentage of ownership, value of shares;

- k) complete, sign and return the **Tax Information Authorization** (Form 8821) with the response to this Information Request. In Item 3, enter the Tax Form Number of the income tax return that you filed and identify the last five years that you filed these returns;
- l) a detailed, complete chart of accounts (index to financial records).



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

2200 Churchill Road, Springfield, Illinois 62794-9276

Mary A. Gade, Director

(217)782-5544

(TDD: 217-782-9143)

September 4, 1997

Joseph M. Boyle, Chief
Enforcement and Compliance
Assurance Branch
United States Environmental
Protection Agency
Region 5
77 West Jackson Boulevard
DRE-8J
Chicago, Illinois 60604-3590

Re: Midwest Metallica, L.P.
7955 West 59th Street
Summit, Illinois
ILD 054 348 974

Dear Mr. Boyle:

Thank you for your July 9, 1997 letter to Mr. Child in which you expressed the concerns of the United States Environmental Protection Agency ("U.S. EPA") regarding the Midwest Metallica site in Summit. I sent a copy of your letter to Assistant Counsel Peter Orlinsky at our Maywood office for further action. Mr. Orlinsky is the attorney assigned to support the enforcement litigation by the Illinois Attorney General against Midwest Metallica. Mr. Orlinsky will work with the Attorney General to include the U.S. EPA concerns in the resolution of the current enforcement case.

If you have any further questions, or if you need further information, please contact me, or you can contact Peter Orlinsky at (708)338-7890.

Sincerely,

William D. Ingersoll
Associate Counsel

PROPOSED AGENDA
Meeting with Midwest Metallica
April 10, 1997

- I. Introductions and Explanation of Enforcement Committee's role
- II. Overview of RCRA, air and water violations at Summit facility
- III. Brief discussion of evidence linking Midwest Metallica to 76th and Albany site and progress of current state and city litigation at this site
- IV. Discussion of possible global settlement(s) in context of on-going City and State actions
- V. Nature of enforceable schedule for immediate and long-term injunctive relief.
- VI. Actions that EPA likely will take as a result of this meeting.

Midwest Metallics

4/10/97

<u>Name / Organization</u>	<u>Phone</u>	<u>Fax</u>
Sherry Estes - EPA-ORC	(312) 886-7164	(312) 886-0747
Rose Marie Carraway	312/814-3094	
Rich Bulger / IEPA	(217) 524-6715	(217) 782-9807
PETER E. ORLINSKY / IEPA	708/338-7890	708/338-7930
William Ryczek	312/886-7184	
Mike Ribordy	312 886-4592	(312) 353-4788
LORNA M. Jereza - EPA-WPTD/ECAB	312-353-5110	"
MARY ROSE SILVA / IAGO	312/814-5282	(312) 814-2347
ALYSSA FRON IAGO	312/814-3774	312/814-3774
Brent Merzke / USEPA	312/886-6812	
Ken Zolnierczyk	(312) 353-9687	(312) 353-4842
Jeff D Harris	312-368-8330	312-580-2600
Russell Eggert	312-701-7350	312-701-7711
W. Z. Baumgartner, Jr.	615-373-1572	615-373-9292
Michael J. Quinn	312-580-2068	312-580-0923
Mort Ames / Corp. Counsel	312-744-6904	312-744-6798
GARY PERLMAN / VILLAGE OF SUMMIT	312/236-3985	312/236-3989
TERENCE J. COOGAN / MIDWEST METALLICS	708/594-7171	708/594-2097
WILLIAM GAMLIN / MIDWEST METALLICS	"	"
Mike Rib		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

March 28, 1997

CERTIFIED MAIL

TO: See attached address list

Re: Midwest Metalics facility
Summit, Illinois

Dear Sirs:

On November 26, 1996, representatives from the United States Environmental Protection Agency (U.S. EPA), the Illinois Environmental Protection Agency (Illinois EPA), the Cook County Department of Environment and the Metropolitan Water Reclamation District inspected the Midwest Metalics facility located in Summit, Illinois. As part of that inspection, eight samples were taken of the large waste pile present at the facility, which were tested for toxicity, using the Toxicity Characteristic Leaching Procedure (TCLP). The results of this testing, set forth in the attached enclosure, show that seven of the eight samples tested above the regulatory limit of 5000 parts per billion for lead. These results show that the waste pile of auto fluff located at the Summit facility is regulated under RCRA. However, since Midwest Metalics has neither sought nor obtained a RCRA permit for this material, the company is operating an illegal treatment, storage or disposal (TSD) facility at its Summit location. Additionally, the large waste pile (estimated by Illinois EPA to contain approximately 300,000 cubic yards of auto fluff) was uncontainerized and stored directly on the ground. Since the contaminants in the waste pile exceed RCRA regulatory limits, Midwest Metalics' continued placement of wastes into that pile violates the land disposal restrictions set forth at 40 C.F.R. Part 268 and 35 IlAdminCode Part 728.

Operating a RCRA TSD without a permit and placing hazardous waste on the land in violation of the land disposal restrictions are extremely serious violations of federal and state regulations. In addition, during the November 26th inspection, the company's failure to obtain air permits for the Bivitich and Eddy Current System (violations of federal and state regulations, and Cook County Environmental Control Ordinance 5.2-1), and the failure to have a revised storm water pollution prevention plan, as required by the facility's Illinois EPA storm water permit, were also noted. U.S. EPA is aware of the on-going litigation brought by the State of Illinois against Midwest Metalics for solid waste and surface water discharge violations, and for the creation of a nuisance. We also are aware that the company faces lawsuits filed by the State and

the City of Chicago, with regard to its disposal of waste at the site located at 76th and Albany in Chicago.

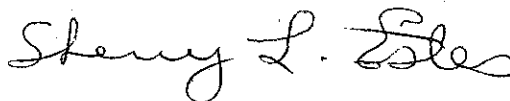
U.S. EPA's goal is to obtain expedited injunctive relief at both sites, as well as the company's continued compliance with the 1996 CERCLA Administrative Consent Order for the H & H Landfill in Gary, Indiana. The City of Chicago particularly wants to obtain an expedited clean-up of the 76th and Albany site, as that site is a candidate for re-use. We would like to discuss with you the possibility of combining this injunctive relief in a comprehensive consent decree, to be entered in the on-going State solid waste action involving the Summit facility, which would contain enforceable timetables. We think that such an approach might offer clear benefits to Midwest Metalics and allow it to avoid litigation brought by several layers of government.

Accordingly, we would like to discuss these matters with you in a meeting, to be held on April 10, 1997, at 10:00 a.m. at the Office of Regional Counsel (ORC), Region V, U.S. EPA, 200 West Adams, in the Lakes and Streams conference room. (Meeting participants should proceed to the ORC reception area on the 29th floor). Present will be representatives of U.S. EPA, Illinois EPA, the Illinois Attorney General's Office, the Cook County State's Attorney and the City of Chicago. We hope that at this meeting we can make substantial progress in negotiating expedited injunctive relief for all of the sites discussed in this letter where Midwest Metalics has disposed of its auto fluff waste.

If serious negotiations toward settlement do not occur at this meeting, U.S. EPA is prepared to seek administrative or judicial enforcement against the RCRA and other violations identified in the November 26th inspection. In such an enforcement action, for the RCRA violations alone, U.S. EPA would seek a substantial penalty. Serious efforts toward expedited injunctive relief at these sites could result in substantial mitigation of the penalty that U.S. EPA would otherwise seek.

You may contact me at (312) 886-7164 if you have any questions regarding this letter or the April 10th meeting.

Sincerely,

A handwritten signature in cursive script, reading "Sherry L. Estes".

Sherry L. Estes
Assistant Regional Counsel

cc: Greater Chicago Enforcement Subcommittee

SERVICE LIST

People v. Midwest Metallica, et al.

Russell Eggert, Esq.
Thomas W. Dimond, Esq.
Mayer Brown & Platt
190 South LaSalle Street
Chicago, Illinois 60603

Teresa F. Frisbie, Esq.
Foran & Shultz
30 North LaSalle Street
Suite 3000
Chicago, Illinois 60602

Midwest

Metallies

Table 1: TCLP Metal Analytical Data Summary (Page 1 of 2)

A.T. Kearney Sample Number	S01	S02	S03	S30	S04
Remarks				duplicate of S03	
Matrix	waste	waste	waste	waste	waste
TCLP Metals	ug/l	ug/l	ug/l	ug/l	ug/l
Arsenic	14.4 U	14.4 U	14.4 U	14.4 U	14.4 U
Barium	1810	1950	966	1250	940
Cadmium	535	504	752	869	467
Chromium	1.8 U	4.01	1.8 U	1.84 U	9.5
Lead	4230	5470	12500	22400	12200
Mercury	0.1 U	0.1 U	0.1 U	0.1 U	0.1 U
Selenium	3.9 U	3.9 U	3.9 U	3.9 U	3.9 U
Silver	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U

TCLP

results

Table 1: TCLP Metal Analytical Data Summary (Page 2 of 2)

A.T. Kearney Sample Number	S05	S06	S07	S08	EB-1
Remarks					
Matrix	waste	waste	waste	waste	waste
TCLP Metals	ug/l	ug/l	ug/l	ug/l	ug/l
Antimony	14.4 U	14.4 U	14.4 U	14.4 U	0.91 U
Barium	899	1150	878	1330	0.8 U
Cadmium	384	470	824	614	0.09 U
Chromium	12.1	15.3	5.51	1.8 U	0.4
Lead	11200	19600	34800	68500	1.49 U
Mercury	0.1 U	0.13	0.16	0.1 U	NA
Selenium	10.8 U	44.7	3.9 U	3.9 U	3.39 U
Silver	2.5 U	2.5 U	2.5 U	2.5 U	2.5 U

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Cook LPC#: 0316000103 Region: 2

Location/Site Name: Chicago Shredding, Division of Midwest Metalics L.P.

Date: November 16, 1995 Time: From 09:30am To 10:35am Previous Inspection Date: 08/28/95

Inspector(s): Gino Bruni Weather: 45 degrees, Cloudy

No. of Photos Taken: # 16 Samples Taken: Yes # No X

Interviewed: Dennis Bloom Complaint #:

Send Inspection Report to: Terence Coogan Chicago Shredding
7955 W. 59th Street 12901 S. Stony Island Ave.
Argo, Illinois 60501 Chicago, Illinois 60633


	SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	X
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	X
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	

CHICAGO SHREDDING, DIVISION OF MIDWEST METALLIC L.P.

LPC#: 0316000103

Inspection Date: 11/16/95

	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	
11.	722.111	HAZARDOUS WASTE DETERMINATION	X
12.	808.121	SPECIAL WASTE DETERMINATION	X
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER: 815.201	Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.	X
	815.202(a)	Failed to file the initial report in a timely manner, as specified in that Section.	X
	815.203(b)	Failed to submit required information.	X
	815.301	Failed to provide an annual report with the Agency.	X
	815.401	Failed to submit quarterly groundwater monitoring report.	X


Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.
7. Statutory effective date: through 1/10/95.
8. Regulatory effective date: through 7/21/94.

0316000103 - Cook County
Chicago Shredding, Division of Midwest Metallics L.P.
November 16, 1995

NARRATIVE
Prepared by Gino Bruni

On November 16, 1995 I conducted an inspection at the subject site. I met with Dennis Bloom (Chicago Shredding). The purpose of this inspection was to identify the alleged waste piles of sediment, and to determine if the wood and one crushed drum have been removed to a permitted landfill. This inspection was agreed to by Terry Coogan (Midwest Metallics) during a November 8, 1995 pre-enforcement conference.

WOOD, TIRES, AND A CRUSHED STEEL DRUM

The tires were shredded on-site. The wood and the crushed drum were removed to a landfill. Bloom did not know the landfill which accepted the wastes. A landfill receipt was not provided.

WASTE PILES OF SEDIMENT

The waste piles of sediment which were observed during the August 28, 1995 inspection were combined into one pile. Bloom indicated the piles do not contain waste. Chicago Shredding purchases the following materials which are alleged to be waste sediments: beach iron, turnings, grindings, borings, and steel pit. Bloom indicated they have analysis of each material. Bloom could not provide me with the analysis, suppliers or customers of the alleged wastes.

I spoke to Terry Coogan (Midwest Metallics) on numerous occasions requesting the landfill receipt for the wood and crushed drum, and the analysis for the alleged waste sediments. I have not received any of the requested information.

At the time of the inspection the violation of Section 55(a) of the Act was resolved.

The following violations remain outstanding:

- | | |
|------------------------|---------------|
| 1) 12(a) of the Act | 7) 815.201 |
| 2) 21(a) of the Act | 8) 815.202(a) |
| 3) 21(d)(2) of the Act | 9) 815.203(b) |
| 4) 21(p)(1) of the Act | 10) 815.301 |
| 5) 722.111 | 11) 815.401 |
| 6) 808.121 | |

Illinois Environmental Protection Agency Photographs

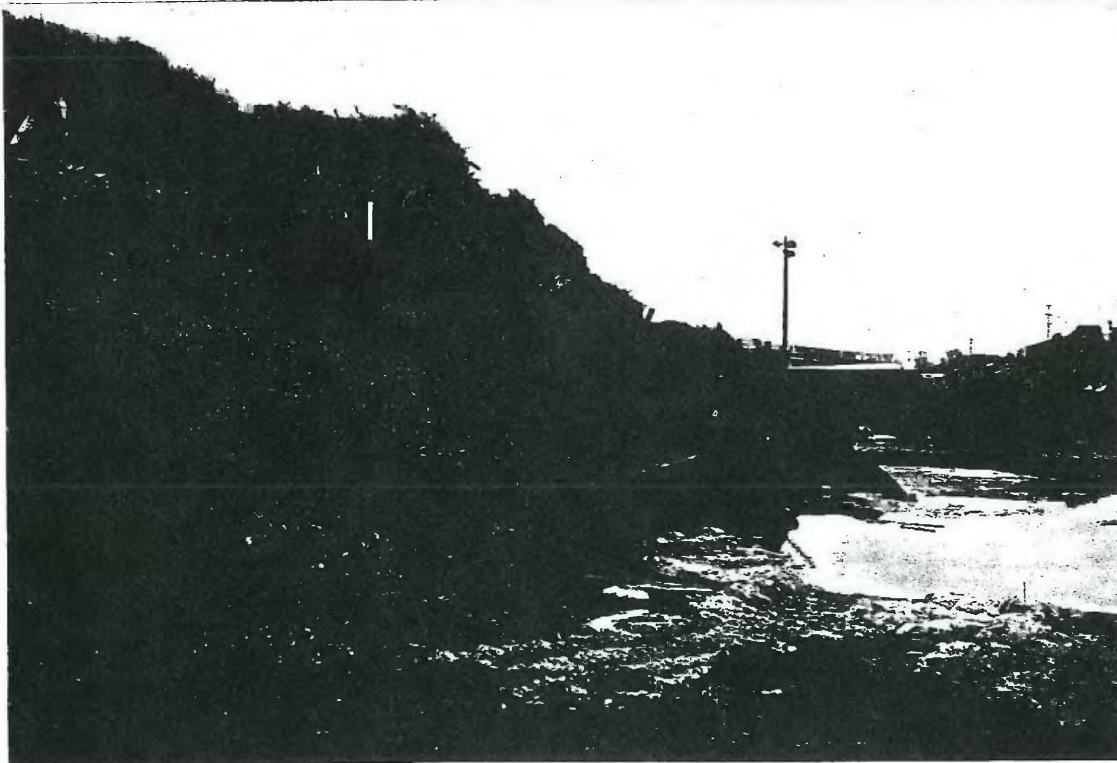
Site Name: Chicago Shredding, Div. of Midwest Metallica IEPA#: 03160000103

Date: November 16, 1995 Time: 09:30A-10:30A Photograph By: G. Bruni



Comments: Beach iron, turnings, grindings, borings, and steel pit.

Roll #: 96-227 Photo#: 1



Comments: Same as above.

Roll # 96-227 Photo# 2



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

1701 First Avenue, Maywood, IL 60153

708/338-7900

November 8, 1995

Midwest Metallics L.P.
Attn: Terence Coogan
7955 W. 59th Street
Argo, Illinois 60501

Pre-Enforcement Conference Follow-up Letter

Re: 0316000103 -- Cook County
Chicago Shredding, Division of Midwest Metallics L.P.
Compliance File

Dear Mr. Coogan:

On November 8, 1995 a Pre-Enforcement Conference (PEC) was held at the Agency's Maywood Region office. This conference was held pursuant to the apparent violation(s) previously identified by the Agency in the Pre-Enforcement Conference Letter dated October 13, 1995, the purpose of this conference was 1) to discuss the validity of the apparent violation(s) noted by Agency staff, and 2) to arrive at a program to eliminate existing and/or future violation(s).

At the PEC, you agreed to take the following steps toward achieving compliance with the identified violation(s):

1. Sections 12(a), 21(a),
21(d), and 21(p)
of the Act
 - The wood and one crushed drum dumped on-site will be sent to an Agency permitted landfill by the end of November, 1995. A landfill receipt will be required to demonstrate that the material was hauled to a permitted site. Midwest Metallics will notify the Agency when the above tasks have been completed.

Gino Bruni of the Agency will visit the site during the week of November 13, 1995, to identify the alleged waste piles of sediment to one of the following Midwest Metallics representatives: Terence Coogan or Dennis Bloom. By the end of November, 1995, Midwest Metallics will submit a proposal to the Agency regarding the removal of the waste piles. The proposal will contain a time schedule for the removal of the waste piles.

A follow-up inspection will be conducted to demonstrate compliance with the above.

- 2) Section 55(a) (1) of the Act - The tires that were dumped on-site will be shredded on site by the end of November, 1995.
- 3) Section 722.111 - Submit a hazardous waste determination to the Agency for the fines, and sediments by February 6, 1995.
- 4) Section 808.121 - Submit a special waste determination to the Agency for the fines, and sediments by February 6, 1995.
- 5) Sections 815.201, 815.202(a), 815.203(b), 815.301, and 815.401, - Contact the Agency's Disposal Alternatives Unit by November 15, 1995, and request a solid waste determination regarding the wastepile of fines located near the southeast corner of the site. Contact Gino Bruni of the Agency by November 15, 1995, with a time schedule when the application will be sent to the Disposal Alternatives Unit. Midwest Metallics will notify the Agency by February 6, 1996, on how the fines will be managed.

You have 10 days from the date of this letter to send a written statement to the Agency confirming your intention to take the steps identified above. If the Agency does not receive this written statement within 10 days the Agency will proceed with formal enforcement. The Agency looks forward to working with you toward the resolution of the identified violations.

Chicago Shredding
November 8, 1995
Page 3

Your written response and one copy of all documents submitted in response to this letter should be sent to:

Deanne Virgin
Planning and Reporting Section
Division of Land Pollution Control #24
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, Illinois 62794-9276

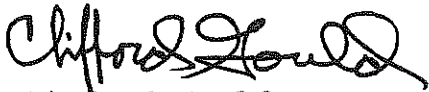
with a copy to:

Gino Bruni, DLPC
Illinois Environmental Protection Agency
1701 South First Avenue - Suite 600
Maywood, IL 60153

Please note, although you may return to compliance for these apparent violations, the Agency reserves the right to file an enforcement action based on the alleged violations of the Act and/or the Regulations that were the subject of this pre-enforcement conference regardless of your current or future compliance with the Act and/or Regulations.

Should you have any questions concerning this letter or need further assistance, contact Gino Bruni at 708/338-7900.

Sincerely,



Clifford Gould
Maywood Region Manager
Division of Land Pollution Control

CG:CG:dfa:Chicshr.pec

cc: Division File
Maywood Region
Deanne Virgin
Rich Bulger

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Pre-Enforcement Conference

FACILITY: CHICAGO SHREDDING

Date 11-08-95

Attendees:

NAME - (Please Print)	Title/Position	Facility/Firm Name	Phone No.
1. GINO BRUNI	EPS	IEPA	708/ 338-7900
2. Rich Bulger	Assistant Counsel	IEPA	217/ 782-5544
3. TERRY COOGAN	GENERAL COUNSEL	MIDWEST METALLICS	708/ 594-7171
4. Cliff Gould	Reg. Mgr	IEPA	708/ 338-7900
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

1701 First Avenue, Maywood, IL 60153

DATE: October 12, 1995
TO: Division File
FROM: Gino Bruni, BOL/Maywood - FOS
SUBJECT: 0310065018 - Cook County
Argo/Midwest Metallics L.P.
Compliance File

MANIFEST SEARCH

Beginning Search Date: 01/01/90
Ending Search Date: 09/30/95

GENERATOR: Midwest Metallics L.P.
SITE: Livingston Landfill
PERMIT #: 942064 Start: 07/18/94 Expire: 07/18/99
WASTE ID: Auto fluff

One record was recorded during the manifest search: 46,744 cubic yards of auto fluff was shipped during calendar year 1994. Records for 1995 have not presently been logged into the data base. During the Agency's August 28, 1995 inspection, information provided by Midwest Metallics indicated 52,567.45 gross tons of auto fluff was shipped to County Landfill (presently known as Livingston Landfill) from January 1, 1995 to August 7, 1995.

GENERATOR: Midwest Metallics L.P.
SITE: CID Recycling & Disposal Facility
PERMIT #: 900109 Start: 02/22/90 Expire: 02/22/95
WASTE ID: Auto Fluff

Two records were recorded during the manifest search: 32,735 cubic yards of auto fluff was shipped during calendar year 1993. 65,917 cubic yards of auto fluff was shipped during calendar year 1994. Records for 1995 have not presently been logged into the data base. Midwest Metallics informed me that CID stopped accepting auto fluff because of the heterogeneous nature of the waste. Samples of auto fluff taken by CID occasionally indicated levels of leachable lead above the regulatory standard of 5ppm.

TCLP?

GENERATOR: Midwest Metallica L.P.
SITE: Beecher Development
PERMIT #: 850506 Start: 05/29/85 Expire: 05/29/90
WASTE ID: Fluff Grit Mix

No records were recorded during the manifest search.

GENERATOR: Midwest Metallica L.P.
SITE: Beecher Development
PERMIT #: 850505 Start: 05/29/85 Expire: 05/29/90
WASTE ID: Auto Fluff

No records were recorded during the manifest search.

GENERATOR: Midwest Metallica L.P.
SITE: Beecher Development
PERMIT #: 850504 Start: 05/29/85 Expire: 05/29/90
WASTE ID: Grit & Sediment

No records were recorded during the manifest search.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Cook LPC#: 0310065018 Region: 2

Location/Site Name: Argo, Midwest Metallica L.P.

Date: August 29, 1995 Time: From 12:45pm To 02:00 pm Previous Inspection Date: 12/02/94

Inspector(s): Gino Bruni Weather: 95 degrees, Cloudy.

No. of Photos Taken: # 14 Samples Taken: Yes # No X

Interviewed: Ken Archer Complaint #:

Send Inspection Report to: Midwest Metallica L.P.
7955 W. 59th Street
Argo, Illinois 60501

	SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	X
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	
	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	

LPC#:

Inspection Date:

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	
11.	722.111	HAZARDOUS WASTE DETERMINATION	
12.	808.121	SPECIAL WASTE DETERMINATION	
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER: 815.201	Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.	X
	815.202	Failed to file the initial report in a timely manner, as specified in that Section.	X
	815.203	Failed to submit required information.	X
	815.204	Failed to submit initial reports signed by a duly authorized agent, including the agent's name, address and telephone number and evidence of the agent's authority to sign.	X
	815.301	Failed to provide an annual report with the Agency.	X
	815.303	Failed to submit required information in the annual report.	X

LPC#:
Inspection Date:

15	OTHER: 815.401	Failed to submit quarterly groundwater monitoring report.	X
	815.501	Failed to retain for Agency inspection the information required to be maintained in Subpart E of Part 815.	X
	815.502	Failed to retain acceptance reports prior to placing a structure into use.	X


Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.
7. Statutory effective date: through 1/10/95.
8. Regulatory effective date: through 7/21/94.

NARRATIVE
Prepared by Gino Bruni

On August 28 and 29, 1995, I conducted an open dump inspection at Midwest Metallics L.P. The inspection was requested by Rich Bulger (Legal Counsel). On August 28, 1995, the following individuals were present: Terence Coogan and Wanda Klein from Midwest Metallics, Rich Bulger and myself from the IEPA. On August 29, 1995, I met with Ken Archer from Midwest Metallics.

Midwest Metallics started processing auto shredder residue in their eddy current system, sometime in September 1994. The eddy current system replaced the rising current system. The auto shredder residue is generated by shredding automobiles and white goods utilizing one hammermill shredder. Large magnets within the shredder removes the ferrous metal from the residue. The ferrous metal is sold as a product. The remaining residue is processed in the eddy current system, where further separation of the ferrous and non-ferrous metal takes place. The residue may have to be processed two or more times. The final stage of processing is the heavy separation process where the small amount of remaining auto fluff is separated from the non-ferrous metals. The non-ferrous metals (aluminum, zinc, copper, brass, and stainless steel) are sold as a product. The company also receives auto shredder residue for processing from Chicago Shredding, Division of Midwest Metallics L.P., 12901 S. Stony Island, Chicago IL. 60633.

The following piles of materials were observed on-site:

- 1) First run eddy current system residue, accumulated in a concrete lined bay (see photo #1). The majority of this material consists of non-ferrous metals. This material is reprocessed thru the eddy current system.
- 2) Second run eddy current system residue, accumulated in a concrete lined bay (see photo #2). The majority of this material consists of non-ferrous metals. This material is sent thru the final separation which is called the heavy separation process, where the second run material is put into a tank containing water and ferrous silicon; the light materials float to the top, the heavy non-ferrous materials sink to the bottom. The light materials include aluminum and small amounts of auto fluff. The auto fluff is shipped to County Landfill. The heavy non-ferrous metals are sold as a product.
- 3) Fines (5/8 inch screened material) from the eddy current system, accumulated in a concrete lined bay (see photo #3). This material is shipped to County Landfill.
- 4) Auto fluff from the eddy current system accumulated in a concrete lined bay (see photo #4). This material is shipped to County Landfill.

- 5) Fines from the eddy current system (one inch screened material), located behind the eddy current system building (see photo #5). Approximately 10,000 tons. This material is going to be reprocessed thru the eddy current system.
- 6) Ferrous metal and auto shredder residue from the eddy current system, located behind the eddy current system building (see photo #6).
- 7) Auto fluff waste pile "landfill" (named as Mt. Piolet by Midwest Metallics) which has been on-site more than one year(see photo #8). The pile contains approximately 700,000 cubic yards of auto fluff. Midwest Metallics is proposing to reprocess this material. The estimated time to reprocess the material would be between three to four years. The estimated time was based on an eddy current system operating 20 hours a day, six days a week, and processing 40 tons a hour. The company is looking into purchasing a portable eddy current system to process the auto fluff. Before the on-site pile will be processed, this portable unit would be used at H.H. Enterprises, Gary, Indiana. Approximately 200,000 cubic yards of auto fluff was shipped to H.H. Enterprises for further processing. Midwest Metallics was identified as a potential responsible party and is presently working with the USEPA on remediating the site.
- 8) Fines from the eddy current system (one inch screened material) located between the auto fluff pile and the broken brick pile (see photo #9). Approximately 30,000 tons. This material will be reprocessed thru the eddy current system.
- 9) Auto shredder residue received from Chicago Shredding (see photo #10). Approximately 2,000 tons. This material is intended to be processed.
- 10) Auto shredder residue generated on-site (see photo #11). Approximately 40,000 tons. This material was generated on-site and will begin to be processed by August 30, 1995.
- 11) Auto fluff to be shipped to County Landfill (see photo #12). Approximately 500 tons.
- 12) Fines from the eddy current system (one inch screened material) located in front of the eddy current system building (see photo #13). Approximately 10,000 tons. This material will be reprocessed thru the eddy current system.
- 13) Auto shredder residue from the eddy current system accumulated in a concrete lined bay (see photo #14). This material will be sent back thru the shredder.

Midwest Metallics has shipped 52,567.45 gross tons of auto fluff to County Landfill from January 1, 1995 to August 25, 1995 (waste stream authorization number 942064). The most recent chemical analysis for the auto fluff was dated August 7, 1995. Cadmium, and Lead (TCLP) concentrations were below the RCRA standard. The mean value for PCBs was 7.8 ppm.

Midwest Metallics has received 24,267.1 gross tons of auto shredder residue from Chicago Shredding from February 1, 1995 to August 25, 1995.

The following apparent violations which were previously identified were again observed:

815.201	815.202
815.203	815.204
815.301	815.303
815.401	815.501
815.502	

In addition to the previously identified violations above, the following new apparent violations were identified:

- 12(a) - Cause, threaten or allow water pollution in Illinois. The auto fluff which has been on-site greater than one year is threatening waters of the State.
- 21(d) (2) - Conduct any waste-storage, waste-treatment, or waste-disposal operation: in violation of any Regulations or Standards Adopted by the Board. Auto fluff has been stored in a waste pile greater than one year.

The following violations discovered during a December 2, 1994 inspection were resolved:

809.201	Section 21(d) (1) of the Act
809.301	
809.302(a)	
809.302(b)	

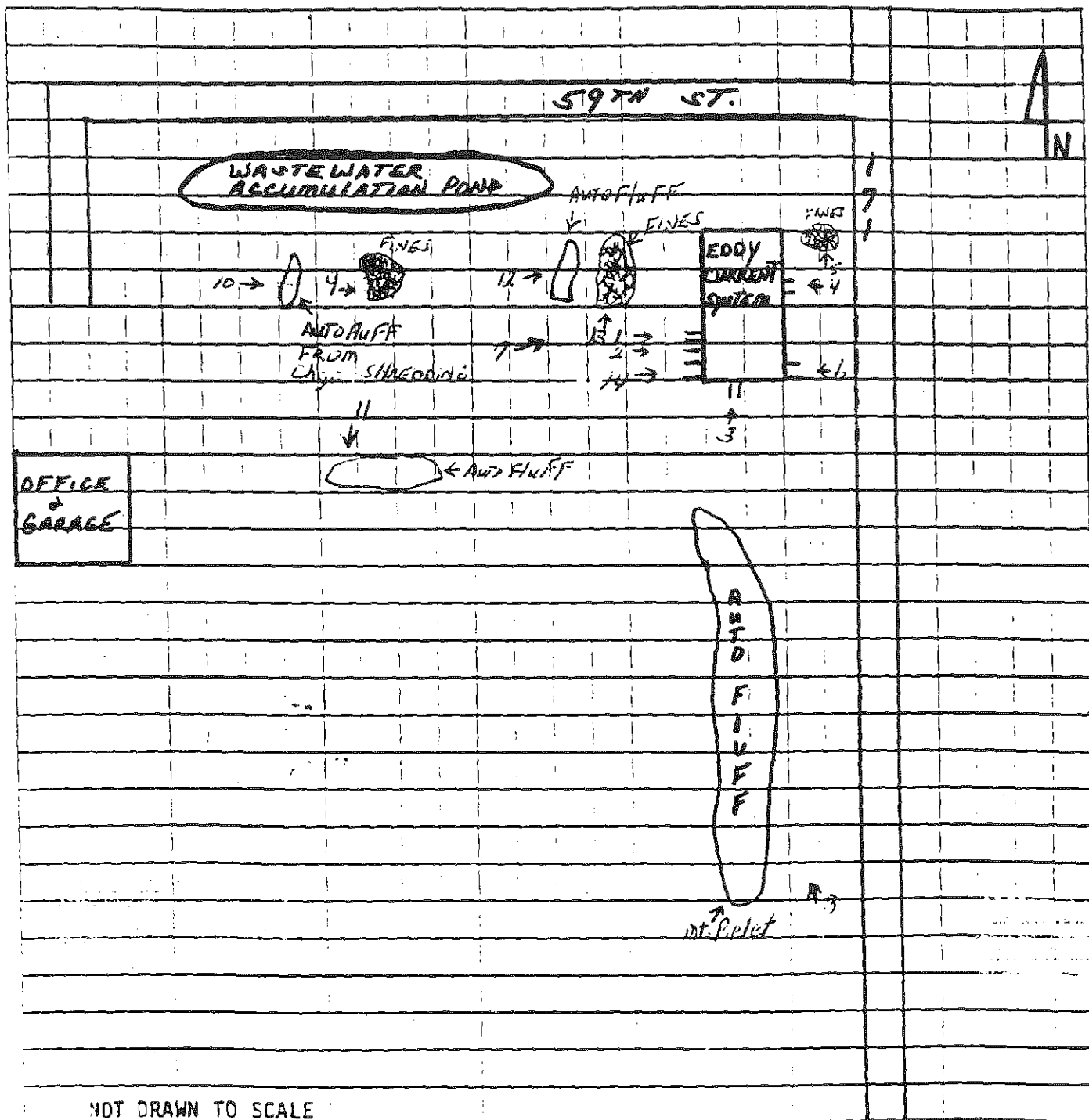
The violations were resolved based on a decision made during a meeting held in Springfield. Auto fluff received by Midwest Metallics from Chicago Shredding is not a waste.



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 08/29/95 Inspector: GINO BRUNI
Site Code: D310065018 County: COOK
Site Name: MIDWEST METALLICS L.P. Time: 12:45pm - 02:00pm





Midwest Metallics L.P.

August 11, 1995

Ms. Donna Kipfer
County Environmental of Livingston
R.R. #3, Box 646
Pontiac, Illinois 61764-0646

RE: Quarterly Sampling Results

Dear Donna:

I'm sending you a copy of the TCLP results on our waste stream; the sampling was performed on August 7, 1995.

Sincerely,

Terence J. Coogan

TJC/kjw
Enclosure

W. Z. BAUMGARTNER & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS

P.O. BOX 786 • BRENTWOOD, TN 37024
500 WILSON PIKE CIRCLE • SUITE 206 • BRENTWOOD, TN 37027
615-373-1572 • FAX: 615-370-9292

LETTER OF TRANSMITTAL

TO: Terry Coogan, Esq. Midwest Metallica L.P. 7955 W. 59th Street Argo, IL 60501	DATE	August 10, 1995
	PROJECT NO.	92109
	RE:	Midwest Metallica
		Eddy Current Discharge

WE ARE SENDING YOU: ☒ Attached ☒ Previously faxed ☐ Under separate cover
VIA: ☒ Overnight ☐ 2nd Day ☐ Regular

THE FOLLOWING ITEMS: ☒ Exhibits ☐ Shop Drawings ☐ Permit Applications
☐ Reports ☐ Survey ☐ Change Order
☐ Plans ☐ Specifications ☐ Other

COPIES	DATE	NO.	DESCRIPTION
1	8-7-95		Exhibit No. No. 1: Cadmium & Lead Concentrations
1	8-7-95		Exhibit No. No. 2: Spike Matrix Recovery w/Chain of Custody
1	8-7-95		Exhibit No. No. 3: Constituent Analysis
1	8-7-95		Exhibit No. No. 4: Cadmium & Lead Individual Sample Results
1	8-7-95		Exhibit No. No. 5: Constituent Analysis - Individual Sample Results

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____

REMARKS:

COPY TO:

SIGNED:

W. Z. Baumgartner, Jr.
W. Z. Baumgartner, Jr., P.E.
President

EXHIBIT NO. 1

MIDWEST METALLICS, L.P.
ARGO, ILLINOIS

EDDY CURRENT DISCHARGE
TOXICITY CHARACTERISTIC LEACHING PROCEDURE

AUGUST 7, 1995

PARAMETER	CONCENTRATION	EPA LIMIT
TCLP METALS (mg/l) ¹		
Cadmium	0.20	1.0
Lead	<0.50	5.0

¹EPA Method 1311; Analysis according to SW 846

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P. O. Box 786
Brentwood, TN 37024-0786

EXHIBIT NO. 2

MIDWEST METALLICS, L.P.
ARGO, ILLINOIS

EDDY CURRENT DISCHARGE
SPALL MATRIX RECOVERY

AUGUST 7, 1995

PARAMETER	CADMIUM	LEAD
#1 (38265)	95%	105%
#2 (38266)	98%	102%
#3 (38267)	94%	104%
#4 (38268)	94%	103%
#5 (38269)	97%	105%
#6 (38270)	96%	103%
#7 (38271)	96%	106%
#8 (38272)	92%	105%
#9 (38147)	93%	105%
#10 (38148)	94%	106%

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P. O. Box 786
Brentwood, TN 37024-0786

W Z B

EXHIBIT NO. 3

MIDWEST METALLICS L.P.
ARGO, ILLINOIS

EDDY CURRENT DISCHARGE
CONSTITUENT ANALYSIS (mg/kg)

AUGUST 7, 1995

PARAMETER	CONCENTRATION	EPA LIMIT
PCB ¹	7.8	50
% Moisture	35.6	N.S.

¹Reported as "Dry Weight" - EPA Method 8080
N.S. - No Standard

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P. O. Box 786
Brentwood, TN 37024-0786

p\92109

W Z B

EXHIBIT NO. 4

MLOWEST METALLICS L.P.
ARGO, ILLINOIS

EDDY CURRENT DISCHARGE
TOXICITY CHARACTERISTIC LEACHING PROCEDURE

AUGUST 7, 1995

PARAMETER	TCLP METALS ¹	
SAMPLE ID	CADMIUM	LEAD
#1 (38265)	0.20	<0.50
#2 (38266)	0.22	<0.50
#3 (38267)	0.26	<0.50
#4 (38268)	0.22	<0.50
#5 (38269)	0.22	<0.50
#6 (38270)	0.16	<0.50
#7 (38271)	0.14	<0.50
#8 (38272)	0.20	<0.50
#9 (38273)	0.18	<0.50
#10 (38274)	0.18	<0.50
MEAN	0.20	<0.50

¹EPA Method 1311

W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P.O. Box 786
Brentwood, Tennessee 37024-0786

EXHIBIT NO. 5

MIDWEST METALLICS L.P.
ARGO, ILLINOISEDDY CURRENT DISCHARGE
CONSTITUENT ANALYSIS

AUGUST 7, 1995

SAMPLE ID	CONSTITUENT	
	PCB (ppm) ¹	% MOISTURE
#1 (38255)	<5.00	33.2
#2 (38256)	33.1	28.1
#3 (38257)	<5.00	39.6
#4 (38258)	<5.00	36.3
#5 (38259)	<5.00	36.0
#6 (38260)	<5.00	27.6
#7 (38261)	<5.00	38.5
#8 (38262)	<5.00	34.7
#9 (38263)	<5.00	41.3
#10 (38264)	<5.00	41.0
MEAN	7.8	35.6

¹Reported as "Dry Weight" - EPA Method 8080W. Z. BAUMGARTNER & ASSOCIATES, INC.
Consulting Engineers
P. O. Box 786
Brentwood, TN 37024-0786

CHAIN OF CUSTODY

CONSULTING ENGINEERS

**SUITE 101
110 WESTWOOD PLACE
P.O. BOX 786
BRENTWOOD, TENNESSEE 37027**

**615-373-1572
FAX: 615-370-9292**

[illegible]

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

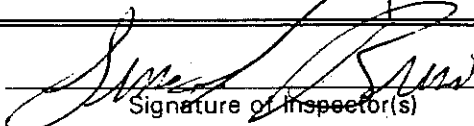
County: Cook LPC#: 0316000103 Region: 2
 Location/Site Name: Chicago Shredding, Division of Midwest Metallics L.P.
 Date: August 28, 1995 Time: From 10:30am To 12:15pm Previous Inspection Date: _____
 Inspector(s): Gino Bruni, and Rich Bulger Weather: 85 degrees, Cloudy/Rain
 No. of Photos Taken: # 16 Samples Taken: Yes # _____ No X
 Interviewed: Dennis Bloom Complaint #: _____
 Send Inspection Report to: Terence Coogan Chicago Shredding
 7955 W. 59th Street 12901 S. Stony Island Ave.
 Argo, Illinois 60501 Chicago, Illinois 60633

	SECTION	DESCRIPTION	VIOL.
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	X
4.	12(d)	CREATE A WATER POLLUTION HAZARD	
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	X
	(2)	Scavenging	
	(3)	Open Burning	
	(4)	Deposition of Waste in Standing or Flowing Waters	

LPC#:

Inspection Date:

	(5)	Proliferation of Disease Vectors	
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	
9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	X
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
10.	807.201 & 807.202	CAUSING OR ALLOWING THE DEVELOPMENT AND/OR OPERATION OF A SOLID WASTE MANAGEMENT SITE WITHOUT A PERMIT ISSUED BY THE AGENCY	
11.	722.111	HAZARDOUS WASTE DETERMINATION	X
12.	808.121	SPECIAL WASTE DETERMINATION	X
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE HAULER WITHOUT A WASTE HAULING PERMIT AND/OR MANIFEST	
OTHER REQUIREMENTS			
14.		APPARENT VIOLATION OF: () PCB; () CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	
15.	OTHER: 815.201	Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.	X
	815.202(a)	Failed to file the initial report in a timely manner, as specified in that Section.	X
	815.203(b)	Failed to submit required information.	X
	815.301	Failed to provide an annual report with the Agency.	X
	815.401	Failed to submit quarterly groundwater monitoring report.	X


Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.
7. Statutory effective date: through 1/10/95.
8. Regulatory effective date: through 7/21/94.

Chicago Shredding
0316000103 - Cook County

NARRATIVE
Prepared by Gino Bruni

On August 28, 1995, Rich Bulger (Legal Counsel) and I conducted an inspection at Chicago Shredding, Division of Midwest Metallics L.P. This inspection was requested by Rich Bulger.

Chicago Shredding and Scrap Corporation of America operate out of the same location, 12901 S. Stony Island, Chicago IL. 60633. Both companies are a Division of Midwest Metallics L.P. The property is owned by Calumet Realty L.P., 7955 W. 59th Street, Argo IL. 60501.

Scrap Corp. of America operates the shearer which cuts metal into pieces, and operates the bailer which bails the metal pieces cut from the shearer. This company does not operate the shredder or manage the auto fluff.

Chicago Shredding receives junk vehicles and white goods from off-site which is then sent through their shredder. The automotive fluids are allegedly drained, and the white goods are allegedly free of PCB's, capacitors and CFC's prior to being received by Chicago Shredding. The result of shredding the vehicles and white goods are auto fluff (sometimes referred to as auto shredder residue), and fines. Generally auto fluff will contain ferrous metal, non-ferrous metals, plastic, rubber, vinyl, leather, seat cushion material, and miscellaneous debris. Fines are material which appear to look like dirt and apparently have a low metal content.

Chicago Shredding has shipped 24,267.1 gross tons of auto fluff from February 1, 1995 to August 25, 1995 to Midwest Metallics. Midwest Metallics recovers the ferrous and non-ferrous metals from the auto fluff. Chicago Shredding only ships auto fluff to Midwest Metallics.

The following waste piles were observed during the inspection:

Waste pile of fines from the beach tank

This large waste pile is located south of the shredder. The fines have been stockpiled for greater than six years. Apparently this material has no economic value. There appears to be approximately 200,000 cubic yards of fines on-site.

Waste pile of miscellaneous sediment

This waste pile is located northwest of the shredder. It is unknown how long this material has been on-site, and how the material was generated. There appears to be approximately 500 cubic yards of miscellaneous sediment on-site.

Waste pile of sediment and a crushed steel drum

This waste pile is located northwest of the shredder. It is unknown how long this material has been on-site, and how the material was generated. There appears to be approximately 20 cubic yards of sediment on-site.

Waste pile of tires, wood, and sediment

This waste pile is located northwest of the shredder. It is unknown how long this material has on-site, and how the material was generated. There appears to be approximately 20 to 30 cubic yards of debris on-site.

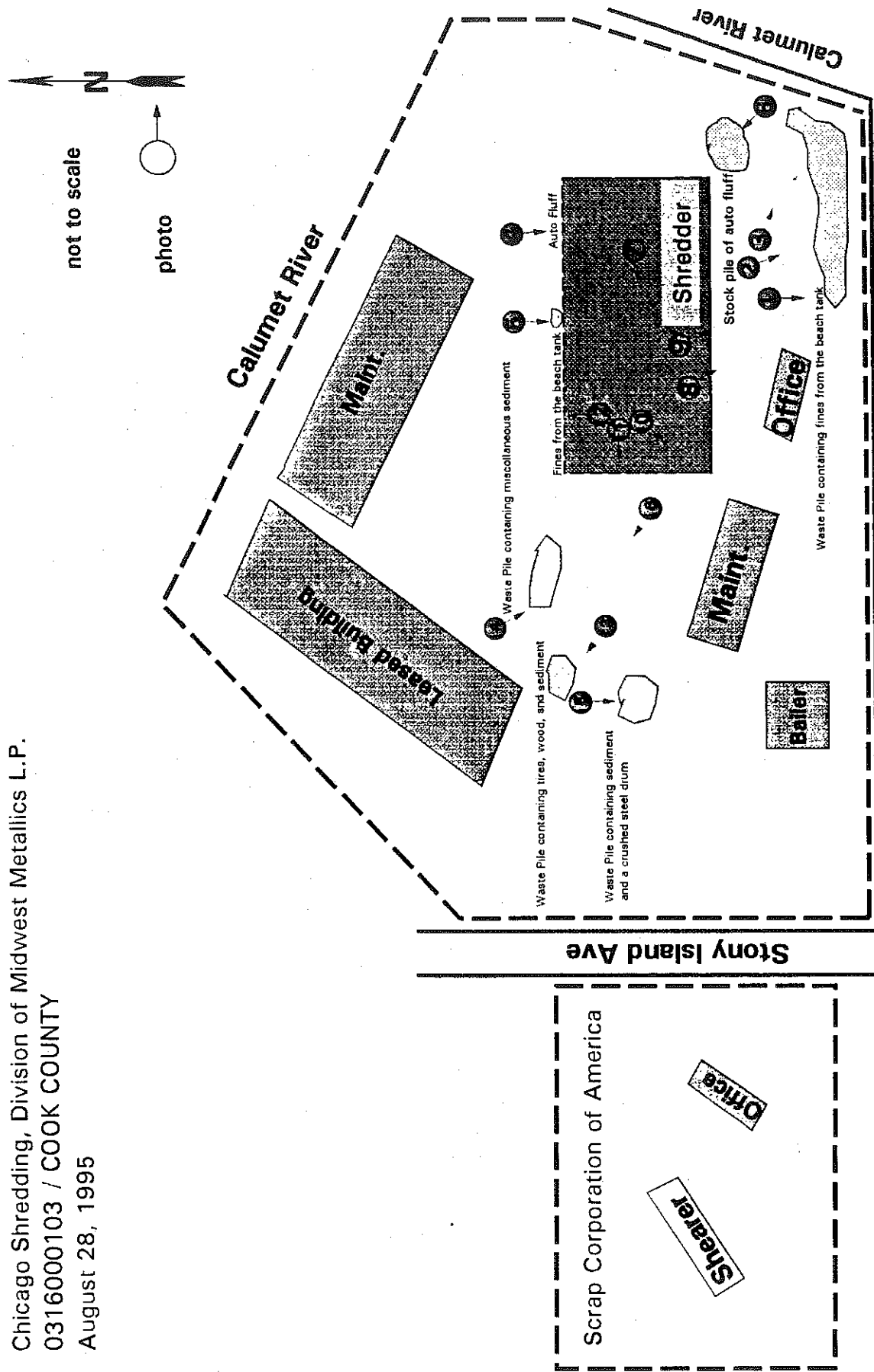
The following apparent violations were observed:

- 1) 12(a) of the Act - Cause, Threaten or Allow Water Pollution In Illinois. Waste piles are allowed to be stored outside without prohibiting contaminants to migrate into waters of the State. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 2) 12(d) of the Act - Cause or Allow Open Dumping of fines, tires, wood, one crushed drum, and miscellaneous sediment. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 3) 21(d)(2) of the Act - Conduct Any Waste-Storage, Waste-Treatment, or Waste-Disposal Operation In Violation of Any Regulations or Standards Adopted by The Board. Waste-Storage of fines, tires, wood, one crushed drum, and miscellaneous sediment. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 4) 21(p)(1) of the Act - Cause or Allow The Open Dumping of Any Waste in a Manner Which Results in Litter at The Dump Site. Open dumping of fines, tires, wood, one crushed drum, and miscellaneous sediment. See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 5) 55(a)(1) of the Act - Cause or Allow Open Dumping of Any Used or Waste Tire. Tires were discovered in a waste pile northwest of the shredder. See photo number 13.
- ✓ 6) 722.111 - No hazardous waste determination for the fines and miscellaneous sediment. See photos See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.
- 7) 808.121 - No special waste determination for the fines and miscellaneous sediment. See photos See photos 1, 2, 3, 8, 9, 13, 14, 15, and 16.

- 8) 815.201 - Failed to file an initial facility report to provide information concerning location and disposal practices of the facility.
- 9) 815.202(a) - Failed to file the initial report in a timely manner, as specified in that Section.
- 10) 815.203(b) - Failed to submit required information.
- 11) 815.301 - Failed to provide an annual report with the Agency.
- 12) 815.401 - Failed to submit quarterly groundwater monitoring report.

The above 815 violations relate to the large waste pile of fines which have been on-site for greater than six years. The waste pile is considered a landfill based on the definition in 35 Ill. Adm. Code 810. The fines are considered a waste based on the definition in the Act. The fines have been discarded for greater than six years.

Chicago Shredding, Division of Midwest Metalics L.P.
 0316000103 / COOK COUNTY
 August 28, 1995



Scrap Corporation of America

Shredder

Office

East 130th Street

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103
Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of fines generated by the shredding operation. This material is taken out of the beach tank. Roll #: 96-93 Photo #: 1

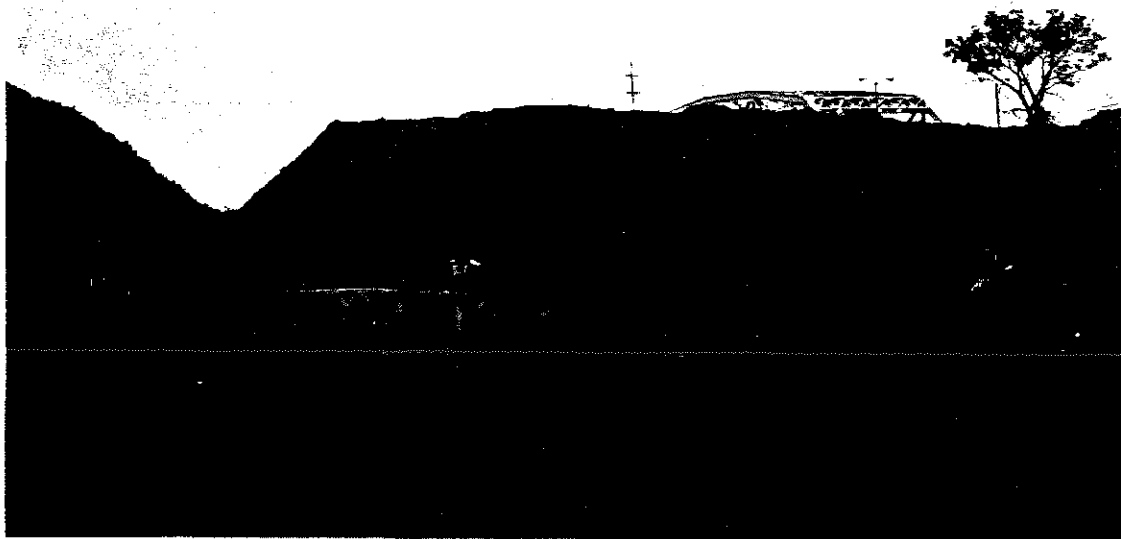


Comments: Same as above. Fines which have been on-site greater than six six years. Roll #: 96-93 Photo #: 2

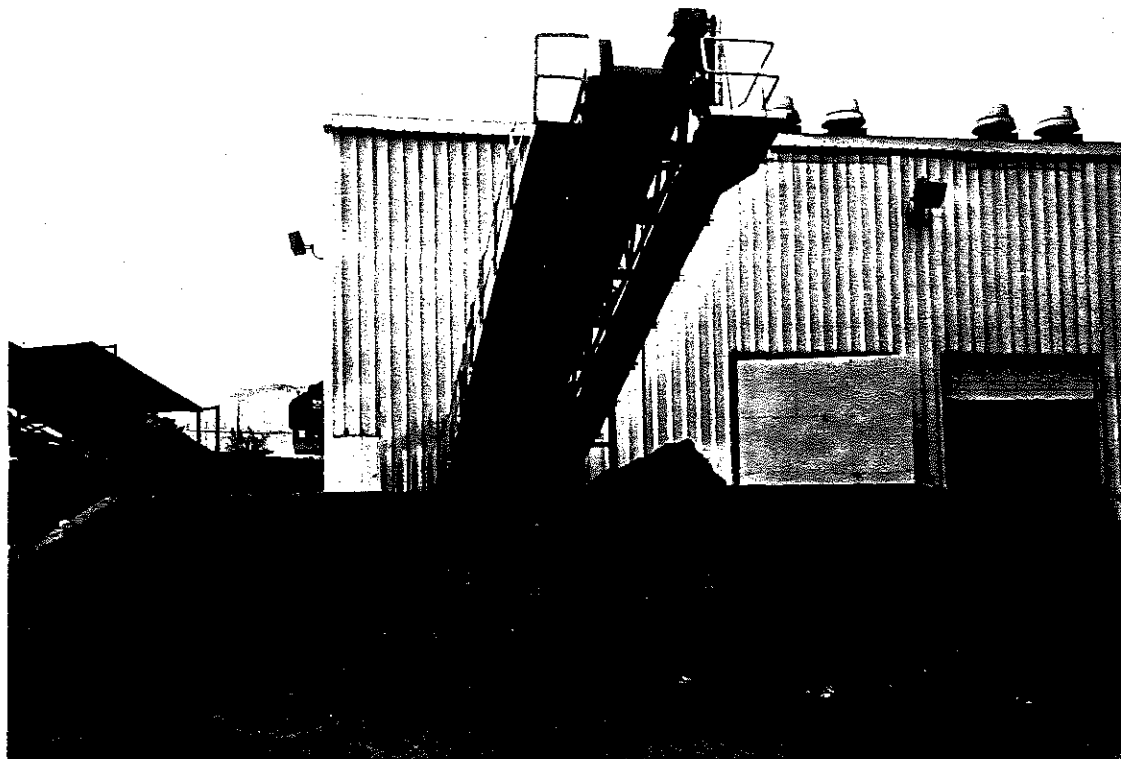
Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of fines generated by the shredding operation. This material is taken out of the beach tank. Roll #: 96-93 Photo #: 3



Comments: Fines generated by the shredding operation. Removed from the beach tank. Roll #: 96-93 Photo #: 4

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103
Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



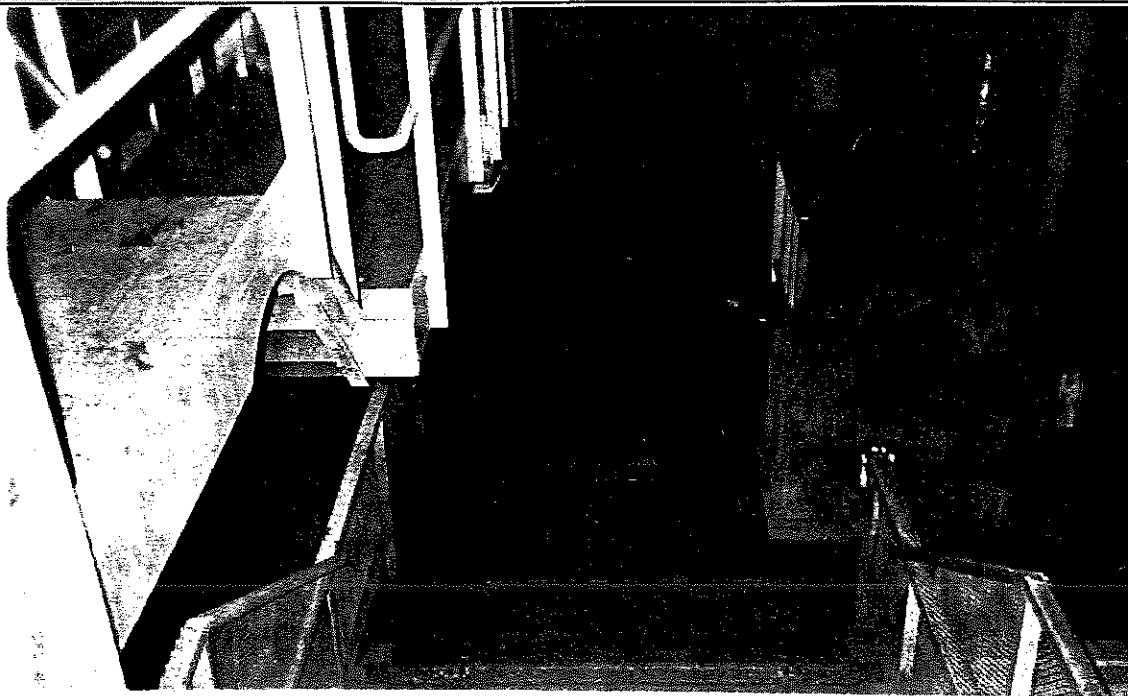
Comments: Auto fluff generated from the shredding operation.
Roll #: 96-93 Photo #: 5



Comments: Stock pile of auto fluff generated by the shredding operation.
This material is sent to Midwest Metallica. Roll #: 96-93 photo #: 6

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103
Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Beach tank.

Roll #: 96-93

Photo #: 7



Comments: Waste pile of fines. Photo was taken from the top of the shredder.

Roll #: 96-93 photo #: 8

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103

Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Same as photo number 8

Roll #: 96-93

Photo #: 9



Comments: Facing southwest; Photo was taken from the top of the shredder.

Roll #: 96-93 photo #: 10

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103
Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



3013 Order
examples &
Illustrations

Comments: Facing west; Photo was taken from the top of the shredder.
Roll #: 96-93 Photo #: 11



Comments: Facing north to northwest; Photo was taken from the top of the shredder.
Roll #: 96-93 photo #: 12

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103
Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of tires, wood, and sediment.
Roll #: 96-94 Photo #: 13



Comments: Waste pile of miscellaneous sediment.
Roll #: 96-94 photo #: 14

Illinois Environmental Protection Agency Photographs

Site Name: Chicago Shredding IEPA #: 0316000103
Date: 8/28/95 Time: 10:30am-12:15pm Photograph By: Gino Bruni



Comments: Waste pile of sediment, and a crushed steel drum.

Roll #: 96-94 Photo #: 15



Comments: Overall view of the waste piles located northwest of the shredder.

Roll #: 96-94 photo #: 16



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-6715

Ms. RoseMarie Cazeau
Assistant Attorney General
Environmental Bureau
100 West Randolph, 12th Floor
Chicago, IL 60601

RE: Midwest Metalics LLP

Dear RoseMarie:

I write in response to Russell Eggert's February 24, 1995 asserting that federal RCRA regulations codified at 40 C.F.R. 261.6 exempt Midwest Metalics LLP ("Midwest") from regulation under either federal or state law.

While he is correct in stating that 40 C.F.R. 261.6(a)(3)(iii) and 35 Ill. Adm. Code 721.106 exempt Midwest from regulation as a generator of hazardous waste, Mr. Eggert fails to recognize that scrap metal is a "solid waste" that may be regulated under both State and federal law. By Mr. Eggert's own description, Midwest shreds scrap automobiles at its Lake Calumet facility in order to separate ferrous from non-ferrous materials. Recovered ferrous materials are sold to customers. The remaining material is sent to the Summit facility for additional processing to extract recoverable metals. Pursuant to federal RCRA regulations, these activities involve the treatment (and possibly the storage) of a "solid waste." As you are aware, solid waste treatment operations are subject to statutory and regulatory requirements under State law as well.

"Scrap metal" is a "solid waste" if it is recycled (or accumulated, stored or treated before recycling) through reclamation. 40 C.F.R. 261.2(c)(3), 35 Ill. Adm. Code 721.102(c)(3). A material is "reclaimed" if it is "processed to recover a usable product, or if it is regenerated." 40 C.F.R. 261.1(c)(4), 35 Ill. Adm. Code 721.101(c)(4). Reclaimed material is specifically removed from coverage under 40 C.F.R. 216.2(e)(1) and 35 Ill. Adm. Code 721.102(e)(1), which provide that recycled materials used as ingredients in an industrial process to make a product or returned to the original process from which they are generated do not meet the definition of "solid waste."

Accordingly, Midwest's operations may constitute the unpermitted establishment of a solid waste management facility. That auto shredders such as Midwest are subject to the permit requirement

PAGE 2
Midwest Metals

set forth at 415 ILCS 21(d)(1) is clear. In *Pielet Bros. Trading v. Pollution Control Board*, 110 Ill. App. 3d 752, 442 N.E.2d 1374 (1982), the Illinois Appellate Court for the Fifth District held that auto fluff is not generated by the auto shredder's own operations. As a result, auto shredders are not covered by the permit exemption enunciated at 415 ILCS 21(d)(1).

Midwest should be required to submit a solid waste determination to better characterize its operations at the Lake Calumet and Summit facilities. Unless it is able to proffer information that would remove it from coverage under federal and State law solid waste rules, enforcement for additional violations should be initiated.

Please contact me if you have any questions regarding this or any matter.

Sincerely,

Richard F. Bulger
Assistant Counsel

cc: Gino Bruni
Ed Bakowski

RCRA INSPECTION REPORT

TYPE OF FACILITY**TYPE OF INSPECTION**

NON-REGULATED STATUS

PART A N/A

PART B PERMIT APPLICATION *N/A*

ENFORCEMENT

ORDERS ISSUED

TSD FACILITY ACTIVITY SUMMARY[illegible]

OPERATOR

Name <u>Midwest Metallics L.P.</u>	Name <u>Midwest Metallics L.P.</u>
Address <u>7955 W. 59th Street</u>	Address <u>7955 W. 59th Street</u>
City <u>Argo</u>	City <u>Argo</u>
State <u>Illinois</u> Zip <u>60501</u>	State <u>Illinois</u> Zip <u>60501</u>
Phone # <u>708/594-7171</u>	Phone # <u>708/594-7171</u>

PERSON(S) INTERVIEWED

TITLE

PHONE #[illegible]**INSPECTION PARTICIPANT(S)****AGENCY/TITLE****PHONE #**

Gino Brunni	IEPA / EPS	708/338-7900

PREPARED BY

AGENCY/TITLE**PHONE #**

Bind BRUNN	IEPA/ERS	708/338-7900
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SUMMARY OF APPARENT VIOLATIONS

Area	Class	Section
	*	815. 201
		815. 202
		815. 203
		815. 204
		815. 301
		815. 303
		815. 401
		815. 501
	N	815. 502
* SEE NARRATIVE		

[illegible][illegible]

0310065018 - Cook County
Midwest Metallics L.P.
December 15, 1994

NARRATIVE

On December 2, 1994 I conducted an inspection at Midwest Metallics. This inspection was requested by Rich Bulger (Springfield/DLC). The purpose of this inspection was to determine the status of the piles of auto fluff. I met with Terry Coogan (Midwest Metallics - Attorney).

Midwest Metallics started processing auto shredder residue in their new eddy current system sometime in September 1994. This process replaced the rising current system. Auto fluff waste is generated from the new system. Some of the auto shredder residue is generated at their facility on 130th Street in Chicago, and shipped to the Argo facility for processing.

Midwest Metallics has shipped 42,834 cubic yards of auto fluff to Livingston Landfill from August 18, 1994 to December 12, 1994 (Waste Stream Authorization Number 942064). Prior to August 18, 1994 Midwest Metallics shipped 65,917 cubic yards of auto fluff to CID Landfill (Waste Stream Authorization Number 900109). A total of 108,751 cubic yards of auto fluff has been shipped off-site.

My original inspection (October 6, 7, 1994) cited violations of Sections 722.111, and 811.315(A). The Agency received Midwest Metallics' March 17, 1994 response to the Agency's December 2, 1993 PECL. The violation of Section 722.111 has been resolved as of the Agency's July 15, 1994 letter. The Agency's legal staff decided to eliminate the violation of Section 811.315 (A) and add the following apparent violations:

- 1) 815.201 - failed to file an initial facility report to provide information concerning location and disposal practices of the facility.
- 2) 815.202 - failed to file the initial report in a timely manner, as specified in that Section.
- 3) 815.203 - failed to submit required information.
- 4) 815.204 - failed to submit initial reports signed by a duly authorized agent, including the agent's name, address and telephone number and evidence of the agent's authority to sign.
- 5) 815.301 - failed to provide an annual report with the Agency.
- 6) 815.303 - failed to submit required information in the annual report.

- 7) 815.401 - failed to submit quarterly groundwater monitoring report.
- 8) 815.501 - failed to retain for Agency inspection the information required to be maintained in Subpart E of Part 815.
- 9) 815.502 - failed to retain acceptance reports prior to placing a structure into use.

During this inspection it was discovered that auto shredder residue from Midwest Metallics facility located at 130th street in Chicago is being shipped to the Argo facility for processing without a manifest, and the facility does not have a permit to receive special waste for storage and treatment.

The following newly discovered apparent violations were observed:

- *Section 21 d failed to obtain a permit granted by the Agency to conduct waste storage and waste treatment for the auto shredder residue received from off-site.
- *Section 809.202 failed to obtain a special waste hauling permit granted by the Agency for the auto shredder residue transported from the 130th Street facility to the Argo facility.
- *Section 809.301 failed to deliver special waste with a manifest to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency.
- *Section 809.302(a) accepted special waste for storage and treatment from a special waste hauler which did not have a valid special waste hauling permit issued by the Agency.
- *Section 809.302(b) delivered a special waste for storage and treatment to a facility that does not have a valid operating permit issued by the Agency.

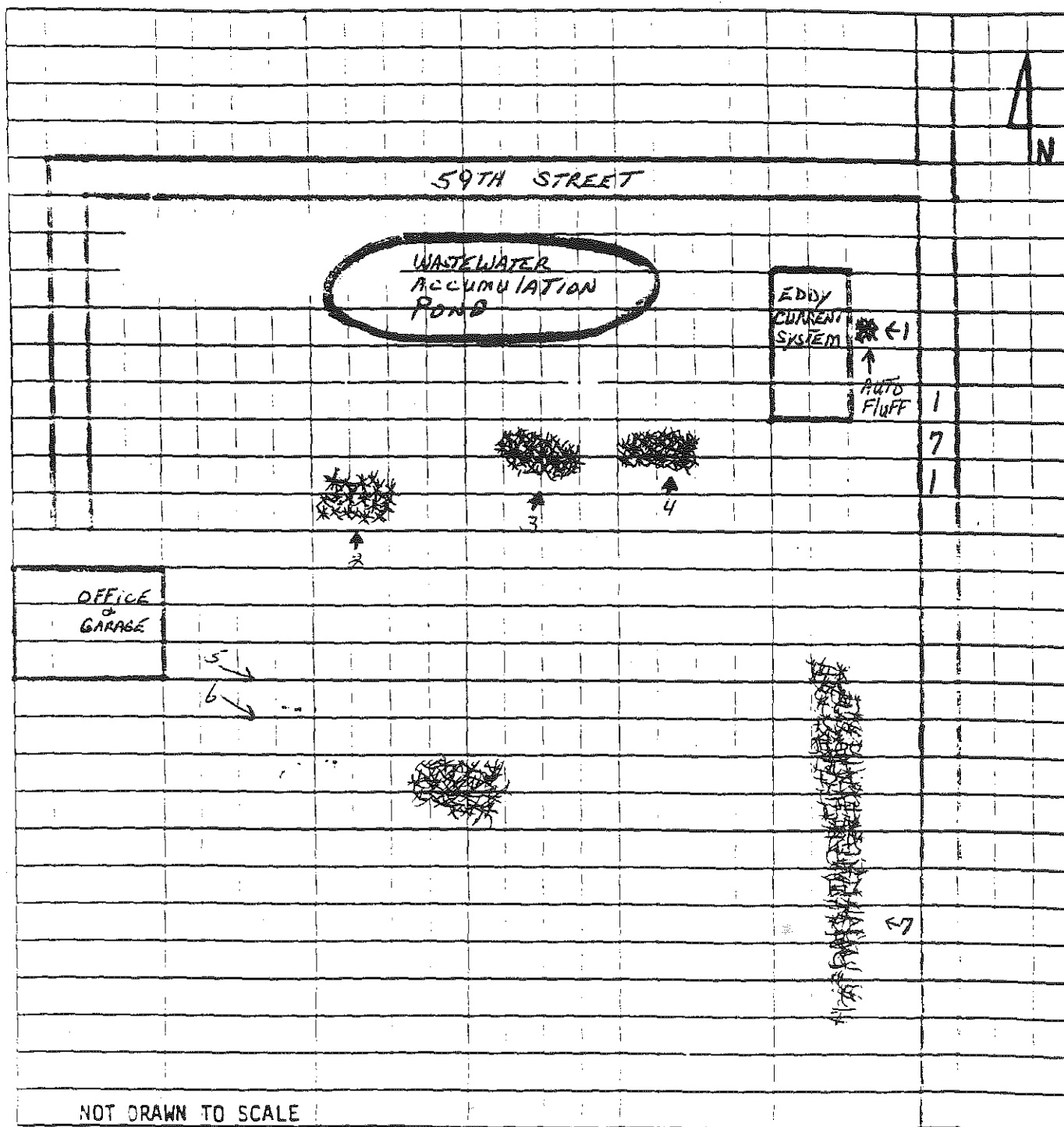
cc: Division File Rich Bulger
 Maywood Region Rosemarie Cazeau
 Karen Barancik



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 12-02-94 Inspector: GINO BRUNI
Site Code: 0310065018 County: COOK
Site Name: Midwest Metallics L.P. Time: 2:00pm - 3:30pm



NOT DRAWN TO SCALE

1LD 054-348 974

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS
IN CHANCERY

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. ROLAND W. BURRIS,
Attorney General of the State of
Illinois, and ex rel. JOSEPH R.
NAVARRO, State's Attorney of
LaSalle County,

Plaintiff,

-vs-

PIELET BROS. SCRAP IRON & METAL
LIMITED PARTNERSHIP, a limited
partnership, PIELET/TANG
ENTERPRISES INC., an Illinois
corporation and general partner
of PIELET BROS. SCRAP IRON and
METAL LIMITED PARTNERSHIP, a
limited partnership, JAMES PIELET,
individually and as President of
PIELET/TANG ENTERPRISES INC.,
ASHLY TRUCKING CO., INC.,
an Illinois corporation,
CORRINE BRUNO, individually and
as President of ASHLY TRUCKING CO.,
INC., C. PAT PLUMERI and
RANDALL RODRICK,

Defendants.

FILED

NOV 10 1993

No. 92 CH-117

Received
Environmental Protection Agency

NOV 29 1993

Division of Legal Counsel
Illinois - Region II

CONSENT ORDER WITH PIELET BROS. SCRAP IRON & METAL
LIMITED PARTNERSHIP, PIELET/TANG ENTERPRISES INC.,
and JAMES PIELET

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, ex rel. ROLAND
W. BURRIS, Attorney General of the State of Illinois, and ex rel.
JOSEPH R. NAVARRO, State's Attorney of LaSalle County, and Defen-
dants, PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a
limited partnership, PIELET/TANG ENTERPRISES Inc., an Illinois
corporation and general partner of PIELET BROS. SCRAP IRON and

1LD 054-348 974

METAL LIMITED PARTNERSHIP, and JAMES PIELET, individually and as President of PIELET/TANG ENTERPRISES, having agreed to the making of this stipulation and the entry of this Consent Order, do hereby stipulate and agree as follows:

I.

STIPULATION OF USE AND AUTHORIZATION

The parties stipulate that this Consent Order is entered into for the purpose of settlement only and that neither the fact that a party has entered into this Consent Order nor any facts stipulated herein, shall be used for any purpose in this or any other proceeding except to enforce the terms hereof by the parties to this agreement. Notwithstanding the previous sentence, this Consent Order may be used in any future enforcement action as evidence of a past adjudication of violation of the Act for purposes of section 42(h) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1042(h).

The undersigned representative for each party certifies that he/she is fully authorized by the party who he/she represents to enter into the terms and conditions of this Consent Order and to legally bind the party he/she represents to the Consent Order.

II.

STATEMENT OF FACTS

A. Parties

1. The Attorney General of the State of Illinois brings this action on his own motion as well as at the request of the Illinois Environmental Protection Agency ("Agency") pursuant to the statutory authority vested in him under section 42 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1042.

2. The State's Attorney of LaSalle County brings this action on his own motion pursuant to the statutory authority vested in him under section 42 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1042.

3. The Agency is an agency of the State of Illinois created pursuant to section 4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1004, and charged, inter alia, with the duty of enforcing the Act.

4. At all times pertinent hereto, Defendant, Pielet Bros. Scrap Iron & Metal Limited Partnership ("Pielet Bros."), is a limited partnership, doing business in the State of Illinois at premises located at 7955 W. 59th Street, Argo, Cook County, Illinois ("plant") and is engaged in the automobile shredding business.

5. At all times pertinent hereto, Defendant, Pielet/Tang Enterprises Inc. ("Pielet/Tang"), now known as S. D. Metals,

Inc., an Illinois corporation, was the general partner and in control of Defendant, Piolet Bros.

6. At all times prior to August 6, 1993, Defendant, James Piolet, was the president of Piolet/Tang, the general partner of Piolet Bros. James Piolet was responsible for and in control of the operations and activities of Piolet Bros. On September 28, 1993, Piolet/Tang became S. D. Metals, Inc. with Michael Tang as its president.

7. Defendants, Piolet Bros., Piolet/Tang (S. D. Metals, Inc.) and James Piolet, shall hereinafter be referred to collectively as "Piolet".

B. Facility Description

At all times relevant to this Consent Order, Piolet's automobile shredding business shreds scrap automobiles and appliances, processes the resultant mixture and recovers approximately 80% of such automobiles and appliances as scrap metal. The remaining 20% of the scrap automobiles and appliances is the waste from such shredding operations and is called auto fluff. This auto fluff material is transported from the facility and disposed.

C. Violations

1. Sections 21(d) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(d) and (f), provide in pertinent part as follows:

No person shall:

- d. Conduct any waste-storage, waste-treatment or waste-disposal operation:

* * *

- 2. In violation of any regulations or standards adopted by the Board under this Act;

* * *

- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

* * *

- 2. In violation of any regulations or standards adopted by the Board under this Act;

2. Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i), provides as follows:

No person shall:

- i. Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

3. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

4. Section 722.111 of the Illinois Pollution Control Board ("Board") Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, titled, Hazardous Waste Determination, provides as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall

determine if that waste is a hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721 Subpart D.

MAXIMUM CONCENTRATIONS OF CONTAMINANTS
FOR THE TOXICITY CHARACTERISTIC

USEPA HAZARDOUS WASTE NUMBER	CONTAMINANT	Regulatory level note (mg/l)
	* * *	
D008	LEAD	5.0
	* * *	

5. Section 722.112(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(a), titled, USEPA Identification Numbers, provides as follows:

A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

6. Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), titled, USEPA Identification Numbers, provides as follows:

A generator must not offer his hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.

7. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a), titled, General Requirements, provides as follows:

A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste off-site.

8. Section 722.123(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.123(a), titled, Use of the Manifest, provides as follows:

The generator shall:

- 1) Sign the manifest certification by hand; and
- 2) Obtain the handwritten signature of the initial transporter and date of acceptance of the manifest; and
- 3) Retain one copy, in accordance with Section 722.140(a); and
- 4) Send one copy of the manifest to the Agency within two working days.

9. Section 722.133 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.133, titled, Placarding, provides as follows:

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F. (Amended 4/8/82)

10. Section 722.140(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.140(a), titled, Recordkeeping, provides as follows:

A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

11. Section 722.141 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.141, titled, Annual Reporting, provides in pertinent part as follows:

- a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:
 - 1) The USEPA identification number, name and address of the generator.
 - 2) The calendar year covered by the report.
 - 3) The USEPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the year.
 - 4) The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States.
 - 5) A description, USEPA hazardous waste number (from 35 Ill. Adm. Code 721.Subpart C or D), DOT hazard class and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by

EPA identification number of each off-site facility to which waste was shipped.

- 6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- 7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
- 8) The certification signed by the generator or the generator's authorized representative.

12. Section 728.107 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.107, titled, Waste Analysis, provides in pertinent part as follows:

- a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

13. Section 728.109 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.109, titled, Special Rules for Characteristic Wastes, provides in pertinent part as follows:

- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.
- d) Wastes that exhibit a characteristic are also subject to Sections 728.107 requirements,

14. Section 809.301 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.301, titled, Requirements for Delivery of Special Waste to Haulers, provides as follows:

No person shall deliver any special waste generated within Illinois, or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Subpart B of this Part.

15. Section 809.302(b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(b), titled, Requirements for Acceptance of Special Waste for Haulers, provides as follows:

(b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

16. Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, provides the following definition:

"PERSON" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

17. Section 809.501 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.501, titled, Manifests, Records, Access to Records, Reporting Requirements and Forms, provides in pertinent part as follows:

- a) Any person who delivers special waste to a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destination of the special waste. The manifest which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and the name, classification and quantity of the special waste delivered to the hauler
.

18. On or before November 29, 1990, or a date better known to Piolet, Piolet caused or allowed large quantities of waste called auto fluff, generated from their automobile shredding operation, to be transported from their plant by Defendant, Ashly Trucking Co., Inc. ("Ashly"), pursuant to an oral agreement, and dumped or disposed on residential property located at 177 West Second Street, Streator, LaSalle County, Illinois, ("site").

19. On December 5, 1990, inspectors from the Agency conducted an investigation and inspection of the site. Such investigation and inspection revealed the existence of a quarry hole at the rear of the site. The quarry hole emitted a strong solvent odor and was found to be filled with said auto fluff material measuring 80 feet wide, 40 feet long and approximately 5 feet high. On that same date, an inspector from the Agency collected samples of this waste called auto fluff found at the site. Laboratory analysis of this waste using the Toxicity Characteristic Leaching Procedure ("TCLP") showed lead levels of 10.56 mg/l.

20. The waste known as auto fluff which Piolet, caused or allowed to be dumped or disposed at the site is an "industrial process waste" as that term is defined in section 3.17 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.17, because it is generated as a direct or indirect result of the performance of a service, it would pose a present or potential threat to human health or the environment and/or it has inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. Since auto fluff is an "industrial process waste", it is also a "special waste" as that term is defined at section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45.

21. The auto fluff that was generated by Piolet at their plant, and which was dumped or disposed on the site, is "solid waste" as that term is defined at 35 Ill. Adm. Code 721.102, and "hazardous waste" as that term is defined at section 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.15, because it is discarded material and its physical and chemical characteristics pose a substantial and potential hazard to human health and the environment when improperly transported or disposed of or otherwise managed, and further, because it contains lead at greater than 5 mg/l TCLP and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 724.124.

22. Piolet, as the generator of auto fluff, a special waste and hazardous waste, was required to:

- a) conduct waste determination testing of such auto fluff materials to determine the hazardous nature

of the waste and also to determine whether such waste was restricted from land disposal;

- b) obtain an EPA identification number prior to disposing of their auto fluff waste material, a special waste and hazardous waste, and also to dispose of such waste at a site that has an EPA identification number;
- c) deliver such waste for transportation to a permitted waste hauler, complete and deliver to such waste hauler, the appropriate manifests for the waste, and was further required to placard or offer such waste hauler the appropriate placard according to the Department of Transportation regulations for hazardous waste.

23. On or before November 30, 1990, Piolet, as the generator of auto fluff, a special waste and hazardous waste, failed to:

- a) conduct waste determination testing of such auto fluff materials to determine the hazardous nature of the waste and also to determine whether such waste was restricted from land disposal;
- b) obtain an EPA identification number prior to disposing of their auto fluff waste material, a special waste and hazardous waste, and also to dispose of such waste at a site that has an EPA identification number;
- c) deliver such waste for transportation to a permitted waste hauler, complete and deliver to such waste hauler, the appropriate manifests for the waste, and further failed to placard or offer such waste hauler the appropriate placard according to the Department of Transportation regulations for hazardous waste,

all in violation of Sections 722.111, 722.112(a) and (c),

722.120(a), 722.123(a), 722.133, 722.140(a), 722.141, 728.107,

728.109, 809.301, 809.302(b) and 809.501 of 35 Ill. Adm. Code.

By violating the Board Waste Disposal regulations cited herein,

Piolet also violated sections 21(d), (f) and (i) of the Act, Ill.

Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d), (f) and (i).

III.

APPLICABILITY

This Consent Order shall apply to and be binding upon the State, Pielet and Pielet's officers, agents and employees, and the successor and assigns of each and every officer, agent and employee of Pielet. Pielet shall not raise as a defense to any action to enforce this Consent Order the failure of any of its officers, agents or employees to take such action as shall be required to comply with the provisions of this Consent Order.

IV.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Consent Order in no way affects the responsibilities of Pielet to comply with any other federal, state or local regulations, including but not limited to the Act, and the Board Rules and Regulations, 35 Ill. Adm. Code Subtitles A through H.

V.

VENUE

The parties agree that the venue of any action commenced in Circuit Court for the purposes of interpretation and enforcement of the terms and conditions of this Consent Order shall be in LaSalle County.

VI.

SEVERABILITY

It is the intent of the parties hereto that the provisions of this Consent Order shall be severable and should any provisions be declared by a court of competent jurisdiction to be inconsistent with state and federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect. In the event that any provisions of this Consent Order and plans implemented herein shall be declared inconsistent with provisions of the Act, Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq., the provisions of the Act shall be controlling.

VII.

FINAL JUDGMENT ORDER

NOW, THEREFORE, in consideration of the foregoing, and upon the consent of the parties hereto, to perform the activities to be ordered by this court, it is hereby ORDERED, ADJUDGED AND DECREED:

A. Jurisdiction

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act.

B. Determination

Based on the foregoing statement of facts, the Court finds that Piolet violated Sections 21(d), (f) and (i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d), (f) and (i), and

Sections 722.111, 722.112(a) and (c), 722.120(a), 722.123(a), 722.133, 722.140(a), 722.141, 728.107, 728.109, 809.302(b) and 809.501 of 35 Ill. Adm. Code as described in the complaint at the times stated in the complaint.

C. Objective

The objective of this Consent Order is to have an enforceable order to ensure the implementation of the terms hereof, to achieve complete cleanup of the site, to assure the protection of public health, safety, welfare and the environment, and compliance with the Act, Board Waste Disposal Regulations, the Federal ~~Response~~^{Service} Conservation and Recovery Act and any applicable relevant rules and regulations or plans promulgated thereunder.

D. Terms of Settlement

1. Effective immediately Piolet shall institute all actions necessary to achieve the prompt remediation of the site. To achieve this objective:

- a) On or before April 1, 1992, Piolet retained the services of Eldredge Engineering Associates Inc. to assess the site and to formulate a corrective action plan ("CAP") to provide for the proper removal and disposal of the auto fluff waste material on the site;
- b) On April 7, 1992, Piolet presented to the Agency and the Attorney General a CAP for review and approval;
- c) On May 27, 1992, the Agency established cleanup objectives for the site, to be incorporated into said CAP;
- d) On July 9, 1992, the Agency approved the CAP;

- e) Prior to instituting any of the cleanup measures outlined in the CAP, Pielet shall obtain samples of the auto fluff waste material on the site and shall have waste characterization testing performed on such waste;
- f) The result from the testing of the auto fluff from the samples obtained pursuant to Section VII D.1.(e) above, shall be provided to the State within fourteen (14) days of Pielet's receipt of such results;
- g) On or before November 1, 1992, Pielet retained the services of a qualified site remediation contractor to conduct all of the remediation activities outlined in the CAP.

2. Pielet shall apply for and obtain any and all required permits and authorizations necessary for the cleanup of the site and the proper disposal of the auto fluff waste material on the site.

3. The site remediation contractor shall upon consultation with Ashley Trucking properly perform all activities required pursuant to the CAP and the Agency established cleanup objectives for the site. (A copy of the CAP and the site cleanup objectives are attached hereto and incorporated herein as Exhibit A).

4. Within ninety (90) days of entry of the Consent Order, Pielet shall have completed all cleanup activities necessary, at the site, in accordance with the State approved CAP.

5. Within seven (7) days of completion of all cleanup activities at the site, Pielet shall conduct post cleanup soil sampling to determine the effectiveness of their cleanup activities at the site, according to the following protocol:

- i) soil samples shall be obtained from the bottom of the excavated areas and be analyzed for the following parameters using the Toxicity Characteristic Leaching Procedure ("TCLP") where indicated:
- barium (TCLP)
 - cadmium (TCLP)
 - lead (TCLP)
 - polychlorinated biphenyls
 - tetrachloroethylene
 - 1,1-dichloroethane
 - 1,2-dichloroethane
 - trans-1,2-dichloroethylene
 - cis-1,2-dichloroethylene
 - vinyl chloride
 - 1,1-dichloroethylene
 - methylene chloride
 - trichlorofluoromethane
 - chloroform;
- ii) Piolet shall provide to the State a copy of all sampling results obtained herein, within fourteen (14) days of Piolet's receiving said results.
- iii) if the sampling results obtained herein indicate that the level of the parameters identified above are at or below the Agency's established levels for those parameters, (as indicated in Table 2 of the soil cleanup objective attached hereto), no further cleanup of the site will be necessary;
- iv) if however, the results show that the remaining soil exhibits levels above the soil cleanup objectives for this site, the parties will meet within thirty (30) days of the

date the soil sampling results were obtained, to discuss and determine future corrective actions to be instituted at the site;

- v) subject to Sections I and J below, if it is determined that further remediation of the site is warranted, thirty (30) days from the date such decision is made, Pielet shall provide to the State a work plan for such remediation activities for review and approval. The work plan shall include a detail of all remediation activities to be conducted by Pielet at this site and the dates on which all said activities will be performed. The plan shall also state the date on or by which full and complete remediation of this site shall be achieved;
- vi) any and all work plans required pursuant to paragraph VII D.5. above that are approved by the State for implementation by Pielet, shall be filed by the State with this Court, as an amendment to this Consent Order, within fourteen (14) days of the date of the approval notification. Pielet shall implement the work plan in accordance with the schedule contained therein and shall complete all necessary remediation of the site required pursuant to paragraph VII D.5. above, on or before the remediation completion date contained in any and all remediation work plan(s) filed with this Court.

6. Pielet shall conduct all sampling events required herein, in accordance with recognized and approved sampling techniques as outlined in the United States Environmental Protection Agency ("USEPA") publication SW-846, and shall utilized a licensed analytical laboratory that uses the analytical methods outlined in USEPA's SW-846.

7. Within thirty (30) days of completion of all activities required by the CAP, and all activities required pursuant to paragraph VII D. 5 above, the remediation contractor shall prepare a Corrective Action Report. This report shall outline among other things, the cleanup procedures used, include laboratory results, copies of all manifests for the materials removed from the site and all conclusions made relative to the completeness and effectiveness of the cleanup of the site. This report shall be provided to the State and to Piolet within seven (7) of its completion.

8. Effective immediately, Piolet shall at all times properly manifest all shipments of auto fluff material and any other industrial process and/or hazardous waste material transported from their facility.

9. Effective immediately, Piolet shall at all times deliver all shipments of auto fluff material and any other industrial process and/or hazardous waste materials for disposal, treatment or storage, to a waste hauler licensed to transport such waste.

10. Effective immediately, Piolet shall at all times conduct appropriate waste characterization sampling of all auto fluff material and any other industrial process and/or hazardous waste materials for disposal, prior to the disposal of such auto fluff material and any other industrial process and/or hazardous waste materials, in accordance with all applicable State law.

11. Effective immediately, Pielet shall at all times dispose of all shipments of auto fluff material and any other industrial process and/or hazardous waste material from their facility, at a permitted facility.

E. Penalty

Pielet shall pay a penalty of \$70,000.00 into the Illinois Environmental Protection Trust Fund. Such penalty amount shall be paid in installments according to the following payment schedule:

<u>Penalty Demand</u>	<u>Time Period</u>
\$40,000.00	30 days after entry of the consent order.
\$30,000.00	60 days after entry of the consent order.

The checks are to be mailed directly to:

Illinois Environmental Protection Agency
Environmental Trust Fund
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

The name and number of the case, and Pielet's Federal Employee Identification Number ("FEIN") shall appear on the face of the checks. Pielet's FEIN is 36-3578019.

F. Cease and Desist

Pielet shall cease and desist from violation of the Act, any and all of the 35 Ill. Adm. Code, Subtitle A-H, and any and all local and federal laws and regulations. Pielet shall at all

times perform the appropriate and relevant testing of its auto fluff waste material prior to shipping of such auto fluff waste material for disposal; shall only utilize the services of waste haulers that are permitted to transport hazardous or special waste for the transporting of their auto fluff waste material; shall properly manifest all shipments of auto fluff waste material and shall dispose of all auto fluff waste material at a permitted facility, so as to prevent violation of the Act and the Board Waste Disposal Regulations and the Resource Conservation and Recovery Act in accordance with the Terms of Settlement set forth in Section D.

G. Correspondences and Reports

1. All correspondence(s) documents, notifications, reports, plans, scope of work, studies, and any other documentation required by this Consent Order shall be submitted in writing and sent by certified mail or any other form of mail delivery which records the date of receipt, to the Attorney General, the LaSalle County State's Attorney and the Agency at the addresses which appear below or to such other addresses which the Attorney General, the Agency, and the LaSalle County State's Attorney may hereafter designate in writing.

Paul Jagiello
Assistant Counsel
Illinois EPA
1701 S. First Avenue
Maywood, IL 60153

RoseMarie Cazeau
Assistant Attorney General
Environmental Control Division
100 W. Randolph St., 12th Flr.
Chicago, Illinois 60601

Howard Chinn
Chief Engineer
Illinois Attorney General's
Office
100 W. Randolph Street
Chicago, Illinois 60601

Robert Eschbach
Special Assistant State's
Attorney
716 Columbus Street
Ottawa, Illinois 61350

H. Right of Entry

In addition to any other authority, the Agency, its employees and representatives, the Attorney General, his agents and representatives and the State's Attorney of LaSalle County, his agents and representatives, shall have the right of entry into and upon Pielet's facility at all reasonable times for the purposes of carrying out inspections including taking photographs, collecting samples, collecting information, and enforcing the terms of this Consent Order.

I. Force Majeure

1. "Force Majeure" for purposes of this Consent Order is defined as any event arising from causes beyond the control of Pielet which delays or prevents the performance of any obligation under this Consent Order. "Force Majeure" shall not include increased costs or expenses associated with performance of the obligations under this Consent Order.

2. When an event occurs which will delay the timely completion of any obligation under this Consent Order, whether or not caused by a "force majeure" event, Pielet shall promptly notify the State in writing within forty-eight (48) hours of the

occurrence of the event. Within ten (10) days of the occurrence of the event which Pielet contends will be responsible for a delay, Pielet shall also supply to the State, in writing, the reason(s) for and anticipated duration of such delay, the measures taken and to be taken by Pielet to prevent or minimize the delay, and the timetable for implementation of such measures. Failure to give the 48-hour notice to the State and/or to give the 10-day follow-up written explanation to the State in a timely manner shall constitute a waiver of any claim of force majeure.

3. If within thirty (30) days of the date of Pielet's 48-hour notification, the State agrees that a delay is or will be attributable to a "force majeure" event, the parties shall modify the relevant schedules to provide such additional time as may be necessary to allow the completion of the specific obligation.

4. If the State and Pielet cannot agree whether the reason for the delay was a "force majeure" event, or whether the duration of the delay is or will be warranted under the circumstances, Pielet may invoke the Dispute Resolution provisions of paragraph VII.J. of this Consent Order. Pielet has the burden of proving force majeure by a preponderance of the evidence as a defense to compliance with this Consent Order.

J. Dispute Resolution

The parties shall use their best efforts to resolve all disputes or differences of opinion arising with regards to this Consent Order informally and in good faith. If however, disputes arise concerning this Consent Order which the parties are unable

to resolve informally, either party may, by written motion, request that an evidentiary hearing be held before the LaSalle County Circuit Court to resolve the dispute between the parties.

Pielet shall have the burden of persuasion, by a preponderance of the evidence, that the State's decisions, and/or requirements, are arbitrary and capricious and are not in accordance with the objectives and terms of this Consent Order.-

K. Discharge of Liability

In consideration of Pielet's payment of a \$70,000.00 penalty and the actions Pielet has taken to date and upon completion of the remediation pursuant to this Consent Order, and commitment to refrain from further violations of the Act, the State releases, waives and discharges Pielet from known violations of the Act which were the subject matter of the Complaint herein.

However, nothing in this Consent Order shall be construed as a waiver by the State of the right to redress future violations of the Act, the Board Regulations or this Consent Order, or obtain penalties with respect thereto.

Ashly Trucking Co., Inc., Corrine Bruno, Pat Plumeri and Randall Rodrick the other defendants named in the complaint, are not parties and/or signatories to this Consent Order. This Consent Order and the release from liability applies only to defendants Pielet Bros. Scrap Iron and Metal Limited Partnership, Pielet/Tang Enterprises, Inc. now known as S. D. Metals, Inc. and

James Piolet, and shall not be construed as a release of any other defendant in this cause of action.

L. Enforcement of Consent Order

Upon the entry of this Consent Order, any party hereto upon motion may reinstate these proceedings solely for purposes of enforcing the terms and conditions of this Consent Order. This Consent Order is a binding and enforceable Order of the Court and may be enforced as such through any and all available means.

PEOPLE OF THE STATE OF ILLINOIS
ex rel. ROLAND W. BURRIS,
Attorney General of the
State of Illinois

Dated: 11/5/93

By: Matthew J. Dunn
MATTHEW J. DUNN, Chief
Environmental Control Division.
Assistant Attorney General

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JOSEPH R. NAVARRO,
State's Attorney of
LaSalle County

Dated: 11/8/93

By: Robert M. Eschbach
ROBERT M. ESCHBACH
Special Assistant State's
Attorney

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Dated: 11/5/93

By: Joseph E. Svobeda
JOSEPH E. SVOBODA
General Counsel

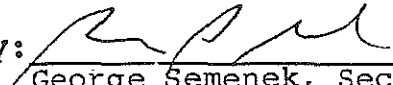
PIELET BROS. SCRAP IRON & METAL
LIMITED PARTNERSHIP, a limited
partnership

Dated: October 14, 1993

By: George Semenek
George Semenek, Secretary,
S.D. Metals, Inc., General Partner

S. D. METALS, INC.
formerly known as PIELET/TANG
ENTERPRISES, INC.,
an Illinois corporation and
general partner of PIELET BROS.
SCRAP IRON & METAL LIMITED
PARTNERSHIP, a limited
partnership

Dated: October 14, 1993

By: 
George Semenek, Secretary
S. D. METALS, INC.

JAMES PIELET

Dated: _____

By: **
JAMES PIELET

ENTERED

JUDGE

rmcd51

** See Counterpart Signature Page

S. D. METALS, INC.
formerly known as PIELET/TANG
ENTERPRISES, INC.,
an Illinois corporation and
general partner of PIELET BROS.
SCRAP IRON & METAL LIMITED
PARTNERSHIP, a limited
partnership

Dated: October 14, 1993

By: 

George Semenek, Secretary
S. D. METALS, INC.

JAMES PIELET

Dated: October 14, 1993

By: 

JAMES PIELET

11/9/93
ENTERED


JUDGE

rmcd51

CORRECTIVE ACTION PLAN

RCRA INSPECTION REPORT

TYPE OF FACILITY**TYPE OF INSPECTION**

NON-REGULATED STATUS

PART 4 Not - Notified

Part A Withdrawal requested: ___/___/___ Approved by (US)(U) EPA: ___/___/___

PART 8 PERMIT APPLICATION:

ENFORCEMENT

Illinois Attorney General: Y or N ____/____/____ County State's Attorneys: Y or N ____/____/____

ORDERS ISSUED

Federal Court Order: ____/____/____ State Court Order: ____/____/____ IPC8 Order: ____/____/____

TSD FACILITY ACTIVITY SUMMARY[illegible]

OPERATIONS

Name <u>MIDWEST METALLICS L.P.</u>	Name <u>MIDWEST METALLICS L.P.</u>
Address <u>7955 W. 59th Street</u>	Address <u>7955 W. 59th Street</u>
City <u>Ango</u>	City <u>Ango</u>
State <u>Illinois</u> Zip <u>60501</u>	State <u>Illinois</u> Zip <u>60501</u>
Phone # <u>708/594-7171</u>	Phone # <u>708/594-7171</u>

PERSON(S) INTERVIEWED	TITLE	PHONE #
Terry Coogan	Attorney	708/594-7171
Don Gottschlich	—	708/594-7171

INSPECTION PARTICIPANT(S)	AGENCY/TITLE	PHONE #
Gino Bruni	IEPA/ERS	708/531-5922

PREPARED BY	AGENCY/TITLE	PHONE #
CIND BROWN	IEPA/ERS	708/531-5900

SUMMARY OF APPARENT VIOLATIONS

[illegible][illegible][illegible]

C94-80N
0310060003 - Cook County
Midwest Metallics L. P.
(Formerly known as Piolet Brothers Scrap Iron & Metal, Inc.)

-NARRATIVE

On October 6, and 7, 1993, I conducted a complaint investigation and a CEI inspection. The complainant indicated the company is storing solid waste without a permit. The following individuals were interviewed at the site: Terry Coogan and Don Gottschlich of Midwest Metallics L. P.

Midwest Metallics L. P. recycles automobiles into scrap iron and metal utilizing one hammermill shredder. Ninety percent of the scrap is from automobiles and the other ten percent is from white goods. After using a magnet to separate the ferrous metal from the non-ferrous metal the auto fluff is processed utilizing the Rising Current System, and then the Heavy Separation process where the separation of the light auto fluff from the metal fraction occurs. In the near future Midwest Metallics L. P. will be constructing a new system (Eddy Current System) to further recover the 6% of ferrous metal remaining in the auto fluff located on-site.

A change in ownership occurred in August of 1993 (S. D. Metals, Inc./general partner, National Material L. P./limited partner, and M. T. 2, Inc./limited partner). The legal name of the site has changed from Piolet Brothers Scrap Iron & Metal, Inc. to Midwest Metallics L. P.

WASTE STREAMS

AUTO FLUFF - Non-hazardous special waste.

This waste is generated from the mechanical separation of ferrous and non-ferrous metals.

700,000 - 800,000 cubic yards are located on-site in waste piles. There are three waste piles containing auto fluff. Two waste piles are located on the east side of the 31 acre site, which the company indicates have been there for over 3 years. The other waste pile of auto fluff is located northwest of the shredder, this pile has been on-site for approximately 4 months.

The last shipment of auto fluff was June 29, 1993 to CID Landfill for disposal. The auto fluff was shipped as a non-hazardous special waste using an Illinois manifest. Auto fluff is shipped to CID under special waste stream authorization #900109 which is valid from February 22, 1990 - February 22, 1995.

Approximately 200,000 cubic yards of auto fluff was shipped to H. H. Enterprises, Gary, Indiana for further processing. The auto fluff was not shipped using a manifest. Recently the auto fluff at the Gary facility ignited and caused an evacuation of the residents around the site. H. H. Enterprises is no longer in business. Midwest Metallica L. P. was identified as a potential responsible party and is presently working with the USEPA (Tony Silbasi - TSCA) on remediating the site.

Approximately 3,000 cubic yards of auto fluff is generated every month.

CID is no longer accepting auto fluff for disposal.

On or around September 28, 1993, twelve grab samples were taken from the waste pile of auto fluff which was going to CID. Five of twelve samples were slightly above the TCLP regulatory level for lead (5.0 ppm).

WASTEWATER - The company has not made a hazardous waste determination.

This waste is generated from three different processes. 1) Shredding of automobiles and white goods 2) Rising current system and 3) Heavy separation process.

Wastewater is discharged to an on-site pond located on the northwest corner of the site. The pond is approximately 300 feet long by 100 feet wide, and constructed of earthen materials. Wastewater is reused in the above processes.

The following apparent violations were observed:

- 1) 722.111 - a hazardous waste determination was not made for the wastewater.
- 2) 811.315(A) - failed to conduct a hydrogeologic investigation for the two waste piles located on the east side of the 31 acre site.

Wastewater is a solid waste: wastewater is discarded by being abandoned. Abandoned - accumulated before or in lieu of being disposed. Disposal - means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Auto fluff is a solid waste: auto fluff is discarded by being abandoned or recycled. Auto fluff is accumulated before recycling in a manner which constitutes disposal.

Waste pile - an area which non-containerized masses of solid wastes are placed for disposal. A waste pile is a landfill, unless the operator can demonstrate that the wastes are not accumulated over time for disposal. At a minimum, such demonstration shall include photographs, records or other observable or discernable information, maintained on a yearly bases, that show that within the preceding year the waste has been removed for utilization or disposal.

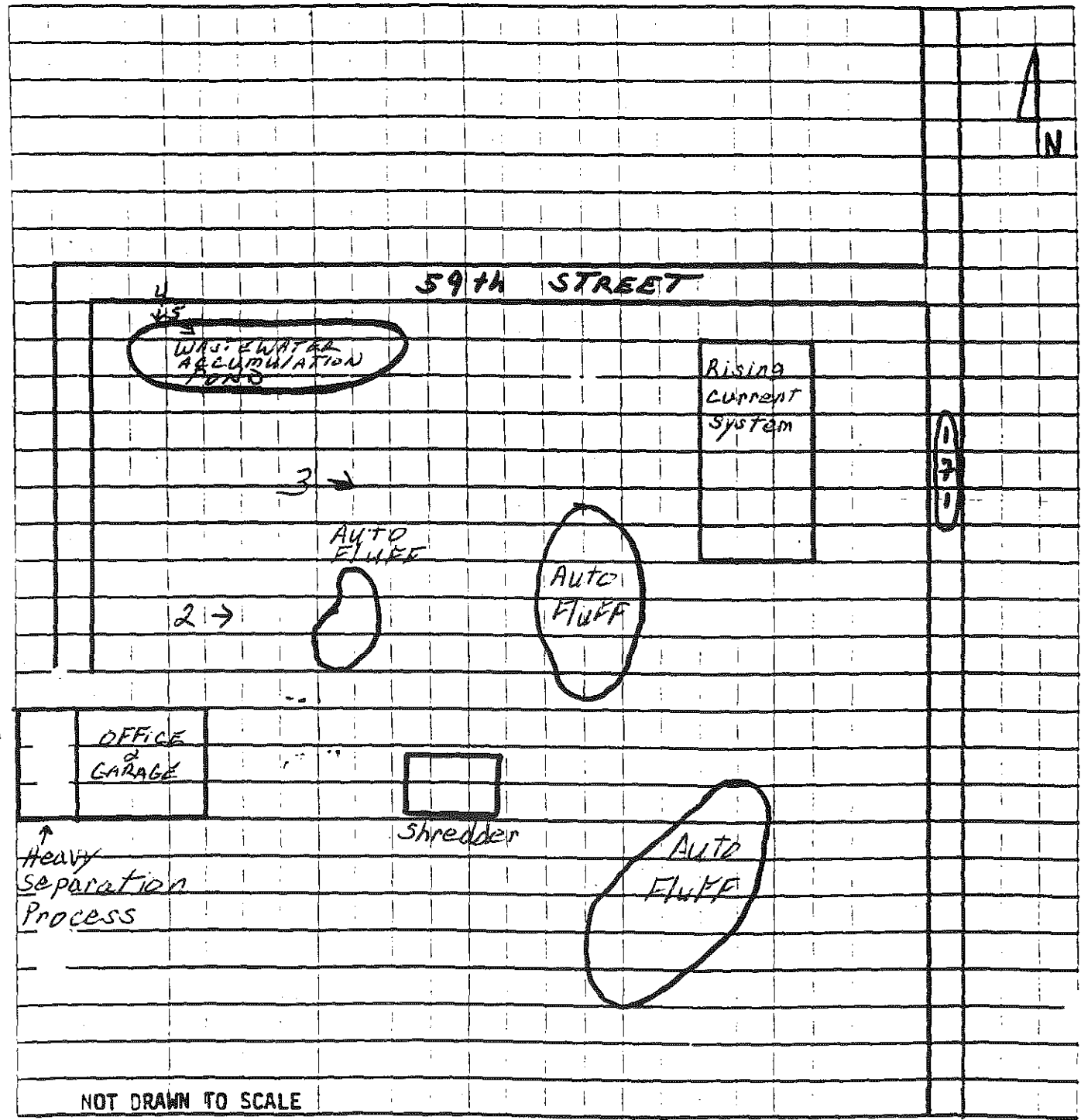
A hydrogeologic investigation shall be conducted prior to submission of any application to the Agency for a permit to develop and operate a landfill facility.



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: 10-07-93 Inspector: Gino Brunini
 Site Code: 0310065018 County: Cook
 Site Name: MIDWEST METALLICS L.P. Time: 2:30pm - 4:30pm



NOT DRAWN TO SCALE

0310065018 - Cook
IEPA ID # CountyPilet Bros. Scrap Iron & Metal
Site Name

Complaint #: C94 - 080 N

USEPA ID #
FOS

Date Recvd: 9/22/93 By: Cg By Phone: In Person: By Mail: x

Complainant: Village of Summit thru Rep. David Respondent: Pilet Bros Scrap Iron & Met
Address: McAfee Address: 7955 W. 54th Street

Telephone: Telephone: 708/594-7171

Directions to Source:

Complaint Details: See attached. Unpermitted storage of a solid waste
(auto fluff). Investigation results to Tom Walters, IEPA Spfld as well as to
file.

INVESTIGATION FINDINGS

Date Invest: 10-07-93 Time From: 2:30pm To: 4:30pm Gina Bruni
Inspector

Photos

Interviewed: Terry Coogan - Don Gottschlich Weather: Sunny 50°F

Remarks:

SEE RCRA INSPECTION REPORT

The following individuals were notified on
November 3, 1993, regarding the investigation findings:Representative McAfee
Mayor Kluszewski (Village of Summit)
Tom Walters (IEPA Spfld.)Complainant Notified of Findings? Yes: ☒ No: Findings Entered into Computer: ☒

CC: Northern Region

Tom Walters (Spfld.)

CONFIDENTIAL

93-091



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451

March 18, 1993

RECEIVED IN THE
OFFICE OF THE DIRECTOR

MAR 22 1993

Mary Gade, Director
Illinois EPA
2200 Churchill Road
P. O. Box 19276
Springfield, IL 62794-9276

Dear Director Gade:

Mary -

I have recently learned of an apparent communication problem between our two agencies that is cause for serious concern. We have reason to believe that in the summer of 1991 your staff was aware of but did not communicate that hazardous wastes from a site in Illinois were being dumped at H & H Enterprises, a Gary, Indiana, facility. Proper communication between our agencies might have assisted IDEM in its efforts to close the site.

IDEM has been working for many months to close the H & H facility. In September 1992, USEPA and IDEM discovered high levels of PCB's and lead in the material being dumped at the Gary site. We immediately sought an injunction to close the facility, which was granted in December 1992.

My staff has confirmed, however, that as early as June 1991, your staff inspectors were aware that waste being transported from Piolet Brothers Scrap Iron Company in Illinois to the H & H facility in Indiana was hazardous. Additionally, inspection reports indicate that your staff observed releases of hazardous waste along Indiana highways. Through our initial investigation, we can find no record at USEPA or IDEM that IEPA notified us about this contaminated waste or their observations.

I am concerned about the apparent lack of coordination between our agencies. If IDEM staff had been advised in June 1991 that the material being dumped at the Gary site was hazardous, we might have responded differently to eliminate a serious public health threat. Prior to September 1992, we had undertaken regulatory action to close the site as an open dump, not a hazardous waste facility. An earlier response might have averted the fire at that site last month, which forced the evacuation of area residents and caused a persistent health hazard.

I know we both desire effective communication and cooperation between our agencies and have been pleased with the progress we have made on many areas of joint concern. This incident, however, demonstrates that coordination at the staff level requires serious attention. I ask that you investigate this situation further, and that we work together to bring about increased cooperation between our staffs. I look forward to discussing this matter with you. Thank you in advance for your attention and concern.

Sincerely,

Kathy

Kathy Prosser
Commissioner

Post-It® brand fax transmittal memo 7671

of pages =

To <i>Cliff G</i>	From
Co.	Co.
Dept.	Phone #
Fax #	Fax #

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
LASALLE COUNTY, ILLINOIS
IN CHANCERY

FILED

OCT 28 1992

Dale L. Stockley
LA SALLE COUNTY CIRCUIT CLERK
THIRTEENTH JUDICIAL CIRCUIT ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. ROLAND W. BURRIS,
Attorney General of the State of
Illinois, and ex rel. JOSEPH R.
NAVARRO, State's Attorney of
LaSalle County,

Plaintiffs,

-vs-

PIELET BROS. SCRAP IRON & METAL
LIMITED PARTNERSHIP, a limited
partnership, PIELET/TANG
ENTERPRISES INC., an Illinois
corporation and general partner
of PIELET BROS. SCRAP IRON and
METAL LIMITED PARTNERSHIP, a
limited partnership, JAMES PIELET,
individually and as President of
PIELET/TANG ENTERPRISES INC.,
ASHLY TRUCKING CO., INC.,
an Illinois corporation,
CORRINE BRUNO, individually and
as President of ASHLY TRUCKING CO.,
INC., C. PAT PLUMERI and
RANDALL RODRICK,

Defendants.

No. -92. CH-117

Judge 204

Carte

COMPLAINT FOR INJUNCTION AND CIVIL PENALTIES

Plaintiff, People of the State of Illinois, ex rel. ROLAND
W. BURRIS, Attorney General of the State of Illinois, and JOSEPH
R. NAVARRO, State's Attorney of LaSalle County, complain of De-
fendants, PIELET BROS. SCRAP IRON & METAL LIMITED PARTNERSHIP, a
limited partnership, PIELET/TANG ENTERPRISES Inc., an Illinois
corporation and general partner of PIELET BROS. SCRAP IRON and

100 054348974

METAL LIMITED PARTNERSHP, JAMES PIELET, individually and as President of PIELET/TANG ENTERPRISES INC., ASHLY TRUCKING CO. INC., an Illinois corporation, CORRINE BRUNO, individually and as President of ASHLY TRUCKING CO. INC., C. PAT PLUMERI, and RANDALL RODRICK, as follows:

I. VIOLATIONS BY PIELET AND PIELET/TANG

COUNT I

FAILURE TO PERFORM HAZARDOUS WASTE DETERMINATION

1. This Complaint is brought on behalf of the People of the State of Illinois, by Roland W. Burris, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois Environmental Protection Agency ("Agency") and by Joseph R. Navarro, State's Attorney of LaSalle County, on his own motion pursuant to the terms and provisions of Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1042(d) and (e).

2. At all times relevant to this complaint, Defendant, Pielet Bros. Scrap Iron & Metal Limited Partnership, ("Pielet Bros.") is a limited partnership, doing business in the State of Illinois, at premises located at 7955 W. 59th Street, Argo, Cook County, Illinois ("plant") and is engaged in the automobile shredding business.

3. At all times relevant to this complaint, Defendant, Peilet/Tang Enterprises Inc., ("Pielet/Tang") an Illinois corporation, was and is the general partner and in control of Defendant, Pielet Bros. Scrap Iron & Metal Limited Partnership.

4. At all times relevant to this complaint, Defendant, James Pielet, was and is the president of Pielet/Tang Enterprises Inc., the general partner of Pielet Bros. Scrap Iron & Metal Limited Partnership. On information and belief, James Pielet is responsible for and in control of the operations and activities of Pielet Bros. Scrap Iron & Metal Limited Partnership.

5. At all times relevant to this complaint, Defendant, Ashly Trucking Co., Inc., ("Ashly Trucking") is an Illinois corporation, doing business in the State of Illinois, at premises located at 4701 Cumberland Avenue, Norridge, Cook County, Illinois, and is engaged in the business of providing commercial transportation services.

6. At all times relevant to this complaint, Defendant, Corrine Bruno ("Bruno") was and is the president of Ashly Trucking Co. Inc., and is responsible for and in control of the operations and activities of Ashly Trucking Co. Inc.

7. At all times relevant to this complaint, Defendant, C. Pat Plumeri ("Plumeri") was and is the general manager of Ashly Trucking Co. Inc. and is responsible for the daily management and operations of Ashly Trucking Co., Inc.

8. Defendants, Pielet Bros., Pielet/Tang and James Pielet shall hereinafter be referred to collectively as "Pielet".

9. Defendants, Ashly Trucking, Bruno and Plumeri shall hereinafter be referred to collectively as "Ashly".

10. On or before November 29, 1990, or a date better known to Defendants, Pielet, and Ashly, Defendants, Pielet, caused or allowed large quantities of waste known as auto fluff generated from their automobile shredding operation, to be transported from their plant by Defendants, Ashly, and dumped or disposed on residential property located at 177 West Second Street, Streator, LaSalle County, Illinois, ("site").

11. At all times relevant to this complaint, Defendant, Randall Rodrick, was and is the owner of said residential property located at 177 West Second Street, Streator, LaSalle County, Illinois, the site on which the waste known as auto fluff was dumped or disposed. As the owner of the site, Defendant, Randall Rodrick, is a necessary party to the action herein.

12. On December 5, 1990, inspectors from the Agency conducted an investigation and inspection of the site. Such investigation and inspection revealed the existence of a quarry hole at the rear of the site. Further, the quarry hole emitted a strong solvent odor and was found to be filled with said auto fluff material measuring 80 feet wide, 40 feet long and approximately 5 feet high. The Agency's investigation also revealed

that this material was generated at the plant and had been transported to the site by Ashly pursuant to an oral agreement between Piolet and Ashly.

13. On December 5, 1990, an inspector from the Agency collected samples of the auto fluff found at the site. Laboratory analysis of this waste using the Toxicity Characteristic Leaching Procedure ("TCLP"), showed lead levels of 10.56 mg/l.

14. Sections 3.08 and 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.08 and 1003.15, provide the following definitions:

"DISPOSAL" means the discharge deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

15. Section 721.102 of the Pollution Control Board ("Board") Waste Disposal Regulations, 35 Ill. Adm. Code 721.102, titled, Definitions of Solid Waste, provides as follows:

- a) 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
- 2) A discarded material is any material which is:
 - A) Abandoned, as explained in subsection (b); or
 - B) Recycled, as explained in subsection (c); or
 - C) Considered inherently waste-like, as explained in subsection (d).
- b) Materials are solid waste if they are abandoned by being:
 - 1) Disposed of; or
 - 2) Burned or incinerated; or
 - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

16. Section 721.124 of the Board Waste Disposal Regulations, 35 Ill Adm. Code 721.124, titled, Toxicity Characteristic, provides in pertinent part as follows:

- b) A solid waste that exhibits the characteristic of toxicity, but is not listed as a hazardous waste in Subpart D, has the USEPA Hazardous Waste Number specified in the following table which corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATIONS OF CONTAMINANTS
FOR THE TOXICITY CHARACTERISTIC

USEPA HAZARDOUS WASTE NUMBER	CONTAMINANT	Regulatory level note (mg/l)
---------------------------------------	-------------	------------------------------------

	* * *	
D008	LEAD	5.0
	* * *	

17. The auto fluff that was generated by Defendants Piolet at their plant, and which was dumped or disposed on the site, is "solid waste" as that term is defined at 35 Ill. Adm. Code 721.102, and "hazardous waste" as that term is defined at Section 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.15, because it is discarded material and its physical and chemical characteristics pose a substantial and potential hazard to human health and the environment when improperly transported or disposed of or otherwise managed, and further, because it contains lead at greater than 5 mg/l and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 724.124.

18. Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i), provides as follows:

No person shall:

- i. Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards

adopted by the Board under subsections
(a) and (c) of Section 22.4 of this Act.

19. Section 722.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, titled, Hazardous Waste Determination, provides as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if that waste is a hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721 Subpart D.

20. Defendants, Pielet, are required to determine if the auto fluff, a solid waste generated from their automobile shredding business, is a hazardous waste, pursuant to Section 722.111 of 35 Ill. Adm. Code.

21. Section 722.111 of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).

22. On or before November 29, 1990, or a date better known to Defendants, Pielet, and continuing until the filing of this complaint, Defendants, Pielet, failed to determine if the solid waste called auto fluff that they generated from their automobile shredding business, is hazardous waste.

23. By failing to perform hazardous waste determination, Defendants, Pielet, violated 35 Ill. Adm. Code 722.111 and,

thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

24. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count I:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.111 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.111 of 35 Ill. Adm. Code;

3. Ordering Defendants, Pielet, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and the Board Waste Disposal Regulations cited above, including conducting waste analyses and following such analyses, the removal of all waste from the site to a permitted facility; following such removal of all waste, performing soil and groundwater testing to determine the nature and extent of any contamination at and from the site;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Piolet; and

6. Granting such other relief as this court deems appropriate and just.

COUNT II

FAILURE TO OBTAIN AN EPA IDENTIFICATION NUMBER

PRIOR TO DISPOSING OF HAZARDOUS WASTE

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count II.

19. Section 722.112(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(a), titled, USEPA Identification Numbers, provides as follows:

A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

21. Defendants, Pielet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Pielet's, automobile shredding operation generates auto fluff, a hazardous waste.

22. As generators, Defendants, Pielet, were required to obtain an EPA identification number from the Agency prior to disposing of, or offering for transportation waste known as auto fluff, a hazardous waste, pursuant to Section 722.112(a) of 35 Ill. Adm. Code.

23. Section 722.112(a) of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).

24. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, offered for transportation and disposed of their waste known as auto fluff, a hazardous waste, without having received an EPA identification number from the Agency.

25. By failing to obtain an EPA identification number prior to offering their hazardous waste for transportation and disposing of their hazardous waste, Defendants, Pielet, violated 35 Ill. Adm. Code 722.112(a) and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and

until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count II:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.112(a) of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.112(a) of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

COUNT III

DISPOSING OF HAZARDOUS WASTE AT A FACILITY

NOT HAVING AN EPA IDENTIFICATION NUMBER

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count III.

19. Section 722.112(c) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), titled, USEPA Identification Numbers, provides as follows:

A generator must not offer his hazardous waste to transporters or to treatment, storage or disposal facilities that have not received an EPA identification number.

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

21. Defendants, Piolet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Piolet's, automobile shredding operation generates auto fluff, a hazardous waste.

22. As generators, Defendants, Piolet, were prohibited from offering their waste called auto fluff, a hazardous waste, to transporters or to disposal facilities that did not have an EPA identification number, pursuant to Section 722.112(c) of 35 Ill. Adm. Code.

23. Section 722.112(c) of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).

24. On or before November 29, 1990, or a date better known to Defendants, Piolet, Defendants, Piolet, offered their waste called auto fluff, a hazardous waste, to a transporter or a disposal facility that did not have an EPA identification number.

25. By offering their hazardous waste to a transporter or a hazardous waste disposal facility not having an EPA identification number, Defendants, Pielet, violated 35 Ill. Adm. Code 722.122(c) and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count III:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.112(c) of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.112(c) of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

COUNT IV

HAZARDOUS WASTE MANIFEST VIOLATIONS

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count IV.

19. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a), titled, General Requirements, provides as follows:

A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest before transporting the waste off-site.

20. Section 722.123(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.123(a), titled, Use of the Manifest, provides as follows:

The generator shall:

- 1) Sign the manifest certification by hand; and
- 2) Obtain the handwritten signature of the initial transporter and date of acceptance of the manifest; and
- 3) Retain one copy, in accordance with Section 722.140(a); and
- 4) Send one copy of the manifest to the Agency within two working days.

21. Section 722.140(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.140(a), titled, Recordkeeping, provides as follows:

A generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

22. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

23. Defendants, Piolet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Piolet's, automobile shredding operation generates auto fluff, a hazardous waste.

24. As generators, Defendants, Piolet, were required to prepare a manifest before offering for transportation, or transporting for off-site disposal, their auto fluff, a hazardous waste, and was further required to keep a copy of each manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years.

25. Sections 722.120(a), 722.123(a) and 722.140(a) of 35 Ill. Adm. Code were adopted under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4 (a) and (c).

26. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, failed to prepare a manifest before offering for transportation or transporting hazardous waste off-site. Further, Defendants, Pielet, failed to keep a copy of any manifest signed in accordance with 35 Ill. Adm. Code 722.123(a) for three years.

27. By failing to prepare a manifest prior to offering for transportation or transporting their waste called auto fluff, a hazardous waste, off-site, and failing to keep a copy of such manifest for three years, Defendants, Pielet, violated 35 Ill. Adm. Code 722.120(a), 722.123(a) and 722.140(a) and, thereby, for each regulation violated, also violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

28. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count IV:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Sections 722.120(a), 722.123(a) and 722.140(a) of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Sections 722.120(a), 722.123(a) and 722.140(a) of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

COUNT V

PLACARD REQUIREMENT VIOLATION

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count V.

19. Section 722.133 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.133, titled, Placarding, provides as follows:

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR Part 172, Subpart F. (Amended 4/8/82)

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

21. Defendants, Piolet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Piolet's, automobile shredding operation generates auto fluff, a hazardous waste.

22. As generators, Defendants, Piolet, were required to placard or offer the initial transporter the appropriate placards before transporting or offering their hazardous waste for transportation off-site, pursuant to Section 722.133 of 35 Ill. Adm. Code.

23. Section 722.133 of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).

24. On or before November 29, 1990, or a date better known to Defendants, Piolet, Defendants, Piolet, failed to placard or offer the appropriate placards to the initial transporter, prior to transporting or offering for transportation their waste called auto fluff, a hazardous waste, off-site.

25. By failing to placard or offer to the initial transporter the appropriate placards prior to transporting or offering their hazardous waste for transportation, Defendants, Piolet, violated 35 Ill. Adm. Code 722.133 and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count V:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.133 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.133 of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

COUNT VI

ANNUAL REPORTING VIOLATION

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count VI.

19. Section 722.141 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.141, titled, Annual Reporting, provides in pertinent part as follows:

- a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:
 - 1) The USEPA identification number, name and address of the generator;
 - 2) The calendar year covered by the report;
 - 3) The USEPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the year;
 - 4) The name and USEPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States;
 - 5) A description, USEPA hazardous waste number (from 35 Ill. Adm. Code 721.Subpart C or D), DOT hazardous class and quantity of each hazardous waste shipped off-site for shipments

to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each off-site facility to which waste was shipped;

- 6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;
- 7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984;
- 8) The certification signed by the generator or the generator's authorized representative.

20. Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12, provides the following definition:

"GENERATOR" when used in connection with hazardous waste means any person whose act or process produces hazardous waste.

21. Defendants, Piolet, are generators as that term is defined in Section 3.12 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.12. Defendants', Piolet's, automobile shredding operation generates auto fluff, a hazardous waste.

22. As generators who shipped hazardous waste off-site to a treatment, storage or disposal facility within the United States during 1990, Defendants, Piolet, were required to prepare and submit to the Agency an Annual Report by March 1, 1991, for the calendar year 1990, in accordance with Section 722.141 of 35 Ill. Adm. Code.

23. Section 722.141 of 35 Ill. Adm. Code was adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).

24. On or before March 1, 1991, and continuing until the filing of this complaint, Defendants, Pielet, failed to prepare and submit to the Agency an Annual Report for calendar year 1990.

25. By failing to prepare and submit to the Agency by March 1, 1991, an annual report for calendar year 1990, Defendants, Pielet, violated 35 Ill. Adm. Code 722.141 and, thereby, violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count VI:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Section 722.141 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Section 722.141 of 35 Ill. Adm. Code;

3. Ordering Defendants, Piolet, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Piolet; and

6. Granting such other relief as this court deems appropriate and just.

COUNT VII

VIOLATION OF LAND DISPOSAL RESTRICTIONS

1-18. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count VII.

19. Section 728.107 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.107, titled, Waste Analysis, provides in pertinent part as follows:

- a) Except as specified in Section 728.132 or 728.143, the generator shall test the generator's waste, or test an extract developed using the test method described in Appendix A, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part.

20. Section 728.109 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 728.109, titled, Special Rules for Characteristic Wastes, provides in pertinent part as follows:

- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste which exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D.
- d) Wastes that exhibit a characteristic are also subject to Sections 728.107 requirements,

21. Since the waste known as auto fluff, contains lead and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 721.124, such waste is subject to the requirements of Sections 728.107 and 728.109 of 35 Ill. Adm. Code.

22. Sections 728.107 and 728.109 of 35 Ill. Adm. Code were adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1022.4(a) and (c).

23. On or before November 29, 1990, and continuing until the filing of this complaint, Defendants, Pielet, failed to test their waste known as auto fluff, a hazardous waste, to determine if the waste is restricted from land disposal, or complies with

the treatment standards under Subpart D of the Board Waste Disposal Regulations, prior to dumping or disposing of such hazardous waste at the site, as required by Sections 728.107 and 728.109 of 35 Ill. Adm. Code.

24. By their conduct as alleged herein, Defendants, Pielet, caused violations of Sections 728.107 and 728.109 of 35 Ill. Adm. Code, and, thereby, for each regulation violated, also violated Section 21(i) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(i).

25. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count VII:

1. Finding that Defendants, Pielet, have caused or allowed violations of Section 21(i) of the Act and Sections 728.107 and 728.109 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Section 21(i) of the Act and Sections 728.107 and 728.109 of 35 Ill. Adm. Code;

3. Ordering Defendants, Pielet, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above, including conducting waste analysis and following such analysis, the removal of all waste from the site to a permitted facility; following such removal of all waste, performing soil and groundwater testing to determine the nature and extent of any contamination at and from the site;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and

6. Granting such other relief as this court deems appropriate and just.

COUNT VIII

SPECIAL WASTE MANIFEST VIOLATIONS

1-17. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count VIII.

18. Section 3.17 of the Act, Ill. Rev. Stat. 1991 ch. 111-1/2, par. 1003.17, provides the following definition:

"INDUSTRIAL PROCESS WASTE" means any liquid, solid, semi-solid, or gaseous waste generated

as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

19. The waste known as auto fluff which Defendants, Piolet, caused or allowed to be dumped or disposed at the site is an "industrial process waste" as that term is defined at Section 3.17 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.17, because it is generated as a direct or indirect result of the performance of a service, it would pose a present or potential threat to human health or the environment, and/or it has inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means.

20. Sections 21(d) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(d) and (f), provide in pertinent part as follows:

No person shall:

- d. Conduct any waste-storage, waste-treatment or waste-disposal operation:

* * *

2. In violation of any regulations or standards adopted by the Board under this Act;

* * *

- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

* * *

2. In violation of any regulations or standards adopted by the Board under this Act;

21. Section 809.301 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.301, titled, Requirements for Delivery of Special Waste to Haulers, provides as follows:

No person shall deliver any special waste generated within Illinois, or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Subpart B of this Part.

22. Section 809.501 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.501, titled, Manifests, Records, Access to Records, Reporting Requirements and Forms, provides in pertinent part as follows:

- a) Any person who delivers special waste to a permitted special waste hauler shall complete a manifest to accompany the special waste from delivery to the destination of the special waste. The manifest which shall be provided or prescribed by the Agency shall, as a minimum, contain the name of the generator of the special waste when and where generated; name of the person from whom delivery is accepted and the name of the site from which delivered; the name of the special waste hauler; the date of delivery; the final disposal, storage or treatment site; and

the name, classification and quantity of
the special waste delivered to the hauler
. . . .

23. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."

24. The waste known as auto fluff which Defendants, Pielet, caused or allowed to be dumped or disposed at the site is a "hazardous waste," and "industrial process waste" and therefore a "special waste" as those terms are defined at Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.15 and 1003.45.

25. As persons who deliver special waste generated in Illinois to a special waste hauler for disposal, Defendants, Pielet, were required to complete a manifest and concurrently deliver said manifest to a waste hauler who holds a current valid waste hauling permit, pursuant to Sections 809.301 and 809.501 of 35 Ill. Adm. Code.

26. On or before November 29, 1990, or a date better known to Defendants, Pielet, Defendants, Pielet, delivered special waste generated in Illinois to Ashly, a special waste hauler, for disposal, without completing a manifest to accompany the auto fluff, a solid waste and special waste, from delivery to the destination of the special waste. Further, Defendants, Pielet, failed to deliver a manifest to a special waste hauler who holds

a current valid special waste hauling permit issued by the Agency, since Ashly did not hold a current valid special waste hauling permit.

27. The action taken by Defendants, Piolet, relative to the auto fluff, a solid waste, constitutes the conduct of a waste-storage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Board under the Act.

28. The action taken by Defendants, Piolet, relative to the auto fluff, a hazardous waste and special waste, constitutes the conduct of a hazardous waste-storage, hazardous waste-treatment, or hazardous waste-disposal operation in violation of regulations adopted by the Board under the Act.

29. By their failure to complete and to deliver a completed manifest to a hauler who holds a current valid special waste hauling permit issued by the Agency, Defendants, Piolet, violated 35 Ill. Adm. Code 809.301 and 809.501 and, thereby, for each regulation violated, also violated Sections 21(d)(2) and (f)(2) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d)(2) and (f)(2).

30. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count VIII:

1. Finding that Defendants, Pielet, have caused or allowed violations of Sections 21(d)(2) and (f)(2) of the Act and Sections 809.301 and 809.501 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Sections 21(d)(2) and (f)(2) of the Act and Sections 809.301 and 809.501 of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

COUNT IX

DELIVERING SPECIAL WASTE TO AN UNPERMITTED OPERATOR

1-20. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 20 of Count VIII as paragraphs 1 through 20 of this Count IX.

21. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."

22. The waste known as auto fluff which Defendants, Pielet, caused or allowed to be dumped or disposed at the site is a "hazardous waste," and an "industrial process waste" and therefore a "special waste" as those terms are defined at Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.15 and 1003.45.

23. Section 809.302(b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(b), titled, Requirements for Acceptance of Special Waste for Haulers, provides as follows:

- (b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

24. Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, provides the following definition:

"PERSON" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

25. Defendants, Pielet Bros., a limited partnership and Pielet/Tang, a corporation, and the generators of auto fluff, a "special waste", are "persons" as that term is defined by Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, and as contemplated by Section 809.302(b) of 35 Ill. Adm. Code.

26. On information and belief, Defendants, Ashly, had an agreement with Defendants, Piolet, for the transportation and disposal of auto fluff, a "special waste" generated at Defendants', Piolet's, plant. By virtue of this agreement, Defendants, Ashly, are the agents of Defendants, Piolet, and as such, are "persons" as defined by Section 3.26 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.26, and as contemplated by Section 809.203(b) of 35 Ill. Adm. Code.

27. On or before November 29, 1990, Defendants, Piolet, as "persons", delivered auto fluff, a solid waste and special waste generated at their plant, for disposal, storage or treatment within Illinois to their agents Defendants, Ashly, "persons" who do not have a current, valid operating permit.

28. The action taken by Defendants, Piolet, relative to the auto fluff, a solid waste, constitutes the conduct of a waste-storage, waste-treatment, or waste-disposal operation in violation of regulations adopted by the Board under the Act.

29. The action taken by Defendants, Piolet, relative to the auto fluff, a hazardous waste and special waste, constitutes the conduct of a hazardous waste-storage, hazardous waste-treatment, or hazardous waste-disposal operation in violation of regulations adopted by the Board under the Act.

30. By their failure to deliver their auto fluff, a special waste, to a person who has a current valid operating permit, Defendants, Piolet, violated 35 Ill. Adm. Code 809.302(b) and,

thereby, violated Sections 21(d)(2) and (f)(2) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(d)(2) and (f)(2).

31. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Pielet, with respect to Count IX:

1. Finding that Defendants, Pielet, have caused or allowed violations of Sections 21(d)(2) and (f)(2) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;

2. Enjoining Defendants, Pielet, from further violations of Sections 21(d)(2) and (f)(2) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Pielet; and

5. Granting such other relief as this court deems appropriate and just.

II. VIOLATIONS BY ASHLY

COUNT X

VIOLATION OF HAZARDOUS WASTE TRANSPORTATION REQUIREMENTS

1-17. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 17 of Count I, as paragraphs 1 through 17 of this Count X.

18. Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g), provides in pertinent part as follows:

No person shall:

g) Conduct any hazardous waste-
transportation operation:

- 1) Without a permit issued by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations or standards adopted thereunder; or
- 2) In violation of any standards adopted by the Board under this Act.

19. Defendants', Ashley's, actions of accepting auto fluff, a hazardous waste, and transporting said hazardous waste for disposal constitutes a hazardous waste transportation operation, pursuant to Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g).

20. Section 723.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.110, titled, Scope provides in pertinent part as follows:

- a) These regulations establish standards which apply to persons transporting hazardous waste into, out of or through Illinois if the transportation requires a manifest under Part 722.

21. Section 723.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.111, titled, USEPA Identification Number, provides in pertinent part as follows:

- a) A transporter must not transport hazardous waste without having received an EPA identification number from the Administrator.

22. Section 723.120 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.120, titled, The Manifest System, provides in pertinent part as follows:

- a) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 35 Ill. Adm. Code 722

23. Section 723.122 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.122, titled, Recordkeeping, provides in pertinent part as follows:

- a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.

24. Sections 723.111, 723.120 and 723.122 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 723.111, 723.120

and 723.122, were made applicable to Defendants, Ashly, by Section 723.110 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code. The waste which Defendants, Ashly, accepted for transportation, required a manifest under Part 722 of the Board Waste Disposal Regulations.

25. On or before November 29, 1990, Defendants, Ashly, accepted auto fluff, a hazardous waste for transportation without obtaining an EPA identification number from the Agency and without receiving an accompanying hazardous waste manifest from the generator of the waste.

26. Defendants, Ashly, was also required pursuant to 35 Ill. Adm. Code 723.122, to keep a copy of the manifest signed by the generators, themselves and the owner of the designated facility for a period of three years from the date of acceptance of the waste.

27. On or before November 29, 1990, and continuing to the filing of this Complaint, Defendants, Ashly, failed to keep a copy of the signed manifest as required by 35 Ill. Adm. Code 723.122.

28. By failing to obtain an EPA identification number from the Agency prior to transporting the auto fluff, a hazardous waste, failing to receive an accompanying hazardous waste manifest from the generators of the waste received for transportation on or before November 29, 1990, and further, failing to keep a copy of the signed manifest, Defendants, Ashly, violated 35 Ill. Adm. Code 723.111, 723.120 and 723.122 and, thereby, for

each regulation violated, also violated Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g).

29. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count X:

1. Finding that Defendants, Ashly, has caused or allowed violations of Section 21(g) of the Act and Sections 723.111, 723.120 and 723.122 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Ashly, from further violations of Section 21(g) of the Act and Sections 723.111, 723.120 and 723.122 of 35 Ill. Adm. Code;

3. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

4. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and

5. Granting such other relief as this court deems appropriate and just.

COUNT XI

TRANSPORTING SPECIAL WASTE WITHOUT A PERMIT

1-18. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 18 of Count X as paragraphs 1 through 18 of this Count XI.

19. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."

20. The auto fluff transported and delivered to the site is a "hazardous waste," and therefore also a "special waste" as those terms are defined in Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.15 and 1003.45.

21. Section 809.201 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.201, titled, Special Waste Hauling Permits - General, provides as follows:

No person shall haul or otherwise transport any special waste generated within Illinois or any special waste to be disposed of, stored or treated within Illinois without a current, valid waste hauling permit issued by the Agency in accordance with the requirements of this Subpart unless the hauler is exempt from the special waste hauling permit requirements under this Subpart.

22. Pursuant to Section 809.201, Defendants, Ashly, was required to have a current valid waste hauling permit issued by the Agency, in order to haul or otherwise transport any "special waste" generated within Illinois or any "special waste" to be disposed of within Illinois.

23. On or before November 29, 1990, Defendants, Ashly, transported auto fluff, a "special waste", for disposal at the site. Defendants, Ashly did not have a current valid permit issued by the Agency to transport such "special waste" to be disposed of, stored, or treated within Illinois.

24. At no time were Defendants, Ashly, authorized to deviate from the requirements of 35 Ill. Adm. Code 809.201.

25. By transporting auto fluff, a "special waste" for disposal in Illinois, without a current valid permit issued by the Agency, Defendants, Ashly, violated 35 Ill. Adm. Code 809.201 and, thereby, violated Section 21(g) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(g).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count XI:

1. Finding that Defendants, Ashly, have caused or allowed violations of Section 21(g) of the Act and Section 809.201 of 35 Ill. Adm. Code;

2. Enjoining Defendants, Ashly, from further violations of Section 21(g) of the Act and Section 809.201 of 35 Ill. Adm. Code;

3. Ordering Defendants, Ashly, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and

6. Granting such other relief as this court deems appropriate and just.

COUNT XII

UNPERMITTED DISPOSAL OF HAZARDOUS WASTE

1-17. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count XII.

18. Sections 21(e) and 21(f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(e) and 1021(f), provide in part as follows:

No person shall:

e. dispose, treat, store or abandon any waste, or transport any waste into this

State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 34 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
2. In violation of any regulations or standards adopted by the Board under this Act;

19. The action taken by the Defendants, Ashly, relative to the auto fluff, a hazardous waste, constitutes "disposal" as that term is defined in Section 1003.08, of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.08.

20. The dumping or disposing of auto fluff, a hazardous waste, on the site, constitutes a "hazardous waste-disposal" operation as those terms are defined in Sections 3.08 and 3.15 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1003.08 and 1003.15.

21. The site at which Defendants, Ashly dumped or disposed the auto fluff, a hazardous waste, is not permitted by the Agency to receive any waste, including hazardous waste, for disposal, treatment, storage or abandonment.

22. Defendants, Ashly, were not authorized by the Agency to deviate from the requirements of Sections 21(e) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(e) and 1021(f).

23. By their actions as alleged herein, Defendants, Ashly, have violated Sections 21(e) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(e) and 1021(f).

24. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count XII:

1. Finding that Defendants, Ashly, has caused or allowed violations of Sections 21(e) and (f) of the Act;

2. Enjoining Defendants, Ashly, from further violations of Sections 21(e) and (f) of the Act;

3. Ordering Defendants, Ashly, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above, including conducting waste analyses and following such analysis, the removal of all waste from the site to a permitted facility; following such removal of waste, performing soil

and groundwater testing to determine the nature and extent of any contamination at and from the site;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and

6. Granting such other relief as this court deems appropriate and just.

COUNT XIII

DELIVERING SPECIAL WASTE TO UNPERMITTED OPERATOR

1-17. Plaintiff realleges and incorporates by reference herein, paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count XIII.

18. Section 3.17 of the Act, Ill. Rev. Stat. 1991 ch. 111-1/2, par. 1003.17, provides the following definition:

"INDUSTRIAL PROCESS WASTE" means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated

or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

19. Section 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.45, defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."

20. The auto fluff delivered and disposed at the site by Defendant, Ashly, is a "hazardous waste," and "industrial process waste" and therefore also a "special waste" as those terms are defined in Sections 3.15 and 3.45 of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1003.15 and 1003.45.

21. Sections 21(e) and 21(f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, pars. 1021(e) and 1021(f), provide in part as follows:

No person shall:

- e. dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.
- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
 - 1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 34 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

2. In violation of any regulations or standards adopted by the Board under this Act;

22. Section 809.302(b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(b), titled, Requirements for Acceptance of Special Waste for Haulers, provides as follows:

- (b) No person shall deliver special waste in Illinois for disposal, storage or treatment unless the person who accepts the special waste has a current, valid operating permit issued by the Agency and the necessary supplemental permits required by 35 Ill. Adm. Code 807, as well as all other applicable permits as required by the Act and Board regulations.

23. The site at which Defendants, Ashly, delivered and disposed the auto fluff, a "special waste", is not authorized by the Agency to receive any waste including "special waste" for disposal, treatment, storage or abandonment.

24. On or before November 29, 1990, Defendants, Ashly, transported and delivered auto fluff, a "special waste" for disposal, storage or treatment, to a site that did not have a current, valid operating permit issued by the Agency.

25. By delivering the auto fluff, a "special waste", for disposal, storage or treatment to a site that did not have a current, valid operating permit issued by the Agency, Defendants, Ashly, violated 35 Ill. Adm. Code 809.302(b) and, thereby, violated Section 21(e) and (f) of the Act, Ill. Rev. Stat. 1991, ch. 111-1/2, par. 1021(e) and (f).

26. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured and violations of the pertinent

environmental statutes and regulations will continue unless and until this court grants equitable relief in the form of preliminary and, after a trial, permanent injunctive relief.

WHEREFORE, Plaintiff prays that this Court enter a judgment in favor of Plaintiff and against Defendants, Ashly, with respect to Count XIII:

1. Finding that Defendants, Ashly, has caused or allowed violations of Sections 21(e) and (f) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;

2. Enjoining Defendants, Ashly, from further violations of Sections 21(e) and (f) of the Act and Section 809.302(b) of 35 Ill. Adm. Code;

3. Ordering Defendants, Ashly, to take the necessary corrective actions which will result in a final and permanent abatement of the violations of the Act and Waste Disposal Regulations cited above, including conducting waste analyses and following such analysis, the removal of all waste from the site to a permitted facility; following such removal of waste, performing soil and groundwater testing to determine the nature and extent of any contamination at and from the site;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against Defendants, Ashly; and

6. Granting such other relief as this court deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. ROLAND W. BURRIS,
Attorney General of the
State of Illinois

By: Matthew J. Dunn
MATTHEW J. DUNN, Chief
Environmental Control Division
Assistant Attorney General

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. JOSEPH R. NAVARRO,
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rmcc261

RCRA INSPECTION REPORT

TYPE OF FACILITY**TYPE OF INSPECTION**

NON-REGULATED STATUS

PART A (Non-notifier / Non-filer)

PART B PERMIT APPLICATION

ENFORCEMENT

ORDERS ISSUED

TSD FACILITY ACTIVITY SUMMARY

U. 582.1824

OWNER**OPERATOR**

Name	?	Name	Pielet Bros. Scrap Iron Co.
Address		Address	7255 W. 59th St.
City		City	Summit
State	Zip	State	IL Zip 60501
Phone #		Phone #	708/584-7171

PERSON(S) INTERVIEWED**TITLE****PHONE #**

No one interviewed		

INSPECTION PARTICIPANT(S)**AGENCY/TITLE****PHONE #**

John Maher	IEPA/EP5	708/531-5900
Mark Retzloff	IEPA/EP5	708/531-5900

PREPARED BY**AGENCY/TITLE****PHONE #**

John Maher	IEPA/EP5	708/531-5900
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SUMMARY OF APPARENT VIOLATIONS

Area	Class	Section
0101	1	703.150(a)
0101	1	722.111
0101	1	722.112(b)
0101	2	722.141(a)
0101	1	725.111
0101	1	725.151
0101	2	725.173
0101	1	725.354

Area	Class	Section

Area	Class	Section

Pielet Bros. Scrap Iron Co. - 0310065018
K & C Trucking Co., Inc. - 0310450036
October 15, 1991

NARRATIVE

An anonymous complaint was received in the Maywood office on October 10, 1991 regarding the Bel Aire Drive-In theater at 31st Street and Cicero Avenue in Cicero, Illinois. The complainant alleged contaminated soil from Pielet Bros. (Summit, Illinois) was being transported by Krisjon Construction (Chicago, Illinois) and disposed of at this theater. His comment that the workers handling this material experienced eye irritation lead me to believe the material involved was auto fluff. (Based on another inspector's experience, auto fluff, a waste generated daily by Pielet Bros., causes eye irritation.)

Bel Aire Drive-In Theater

On October 15, 1991, Mark Retzlaff and I parked across from the theater and looked for trucks entering and leaving the site. None were observed. We drove near the entrance on Cicero Avenue and observed what appeared to be concrete and asphalt mixed within the high berms surrounding the site. Since intentionally accepting this waste would make this site an illegal landfill, and unintentionally accepting this waste would make this site an open dump, we had probably cause to enter the site and investigate further.

Electrical wires, steel parts and fibrous material was observed mixed within the dirt and gravel berm. (These materials are indicative of auto fluff.) We collected a sample of the dirt and fibrous material, in case we want it analyzed.

Pielet Bros. Scrap Iron Co.

Since the complainant alleged Pielet Bros. was the source of the contaminated material, we parked near the intersection of Archer Avenue and 59th Street in Summit. (Pielet Bros. is located just east of this intersection on 59th Street.) We watched some uncovered dump trailer trucks, carrying what appeared to be auto fluff, turning from 59th Street onto Archer Avenue (south). We followed one that delivered its load to a site in Gary Indiana that had a trailer marked H & H Recycling Enterprises. The truck took the following route to reach the site:

Archer Avenue (south) ---> I 294 (south) ---> I 80 (east)
---> Cline Avenue (north) ---> exit 169th ---> proceed
past 169th (going north) ---> this frontage road along Cline

Pielet Bros. Scrap Iron Co. - 0310065018
K & C Trucking Co., Inc. - 0310450036
October 15, 1991

Avenue eventually turns east; the disposal site is on the north side of the road.

The truck was observed off-loading the material. The site and the truck were photographed.

NOTE: While in transit, the auto fluff was observed continually blown off the dump truck on to the highway.

Record Review

On April 21, 1986, the Agency inspected Pielet Bros. Scrap Iron Co. at 7955 West 59th Street in Summit, Illinois. The following apparent violations were observed: 703.121, 703.151, 722.111, 722.112, 722.120, 722.140, 722.141, 725.113, 725.115, 725.116, 725.131, 725.137, 725.151, 725.153, 725.155, 725.173, 725.174, 725.175, 725.212, 725.242, 725.351, and 725.353. Only the apparent violation of 722.111 (no evidence of a hazardous waste determination) was cited in a Compliance Inquiry Letter (CIL) dated May 27, 1986, because the other apparent violations would not apply if the waste was non-hazardous by RCRA definition.

On June 9, 1986, the Agency received Pielet Bros. response to the CIL. Pielet Bros. stated, "Not only have we periodically analyzed our waste stream over the past few years, but we have notified the Agency of our results on several occasions. At no time have our analytical tests showed the waste stream from Pielet's Argo [Summit] facility to exhibit hazardous characteristics." In support of their claim that auto fluff is not a hazardous waste, attached to their response were the following:

- Analysis results of two (2) samples, one of "Dredge" and one "Sediment", that TEI Analytical, Inc. received June 29, 1984.
- Analysis results of thirteen (13) samples of "Sediment" that TEI Analytical, Inc. received on December 21, 1984. There were also four (4) samples of "Water" analyzed. (All of these samples appear to have been collected on the same date, December 20, 1984.)
- Analysis results of three (3) samples, one (1) of "Auto Fluff/Grit Mix", one (1) of "Grit", and one (1) of "Fluff", that TEI Analytical, Inc. received January 4, 1985.

Sampling methods and definitions of "Dredge" and "Sediment", as they apply to Pielet Bros., were not provided in this submittal.

The inspector who reviewed this information apparently considered it adequate, and the apparent violation of 722.111 was considered resolved. However, there is additional information now that supports the position that auto fluff generated from Pielet Bros. in Summit, Illinois is a RCRA hazardous waste.

Pielet Bros. Scrap Iron Co. - 0310065018
K & C Trucking Co., Inc. - 0310450036
October 15, 1991

Evidence supporting RCRA and TSCA qualifications

On June 6, 1991, an open dump complaint was investigated by Charles Gruntman and Mark Retzlaff at 76th Street and Kedzie Avenue in Chicago (see Open Dump Report dated 6/6/91 in file 0316700012). Auto fluff generated at Pielet Bros. was being transported by Tone Trucking Inc. to this location, which is operated by Krisjon Construction and owned by M. Renella and P. Palumbo, Jr. A sample of auto fluff was collected and sent to the State laboratory for analysis. The analysis results indicated TCLP levels of lead at 36.6 ppm and PCBs at 520 ppm. The elevated concentration of lead qualifies Pielet Bros.'s waste as RCRA hazardous, and the elevated concentration of PCBs qualifies Pielet Bros.'s waste as a fully regulated TSCA waste.

Based on this information, Pielet Bros. Scrap Iron Co. and K & C Trucking Co. appear to be in violation of RCRA regulations; however, follow-up will continue to determine if the waste generated by Pielet Bros. and hauled by K & C Trucking is RCRA hazardous.

D.L.P.C. COMPLAINT INVESTIGATION FORM

0310065018

Cook

Pielet Bros. Scrap Iron Co.

Non-notifier

Complaint #: C 92 - 097N

FOS File

Date Received 10/10/91 By JM By Phone X In Person By Mail

Complainant Anonymous Respondent Pielet Bros. Scrap Iron Co.

Address Address 7955 W. 59th St.

Summit, IL 60501

Telephone Telephone 708/594-7171

Directions to Source: Cicero Ave & 31st Street

Complaint Details: Contaminated soil is being dumped at the Bel Aire Drive-In. The hauler is Kris Jan Construction and the waste is coming from Pielet Bros. People working at the dump experience eye irritation.

INVESTIGATION FINDINGS

Date 10/15/91 Time 8:00AM - 1:50pm By John Maher, Mark Retzlaff

Interviewed No one interviewed Weather 68°, Partly Cloudy Photos 14

Remarks: (See attached narrative)

cc: Maywood Region - complaint file

✓ Maywood Region - Pielet Bros. file

Maywood Region - K & C Trucking Co. (0310450036)

John Maher

Mark Retzlaff

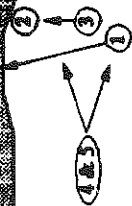
Findings entered into computer Monthly Report Yes?

CONFIDENTIAL

Bel Aire Drive-In

(See Piolet Bros. Scrap Iron Co.

0310065018 & Complaint C92-097N)



Cicero Avenue

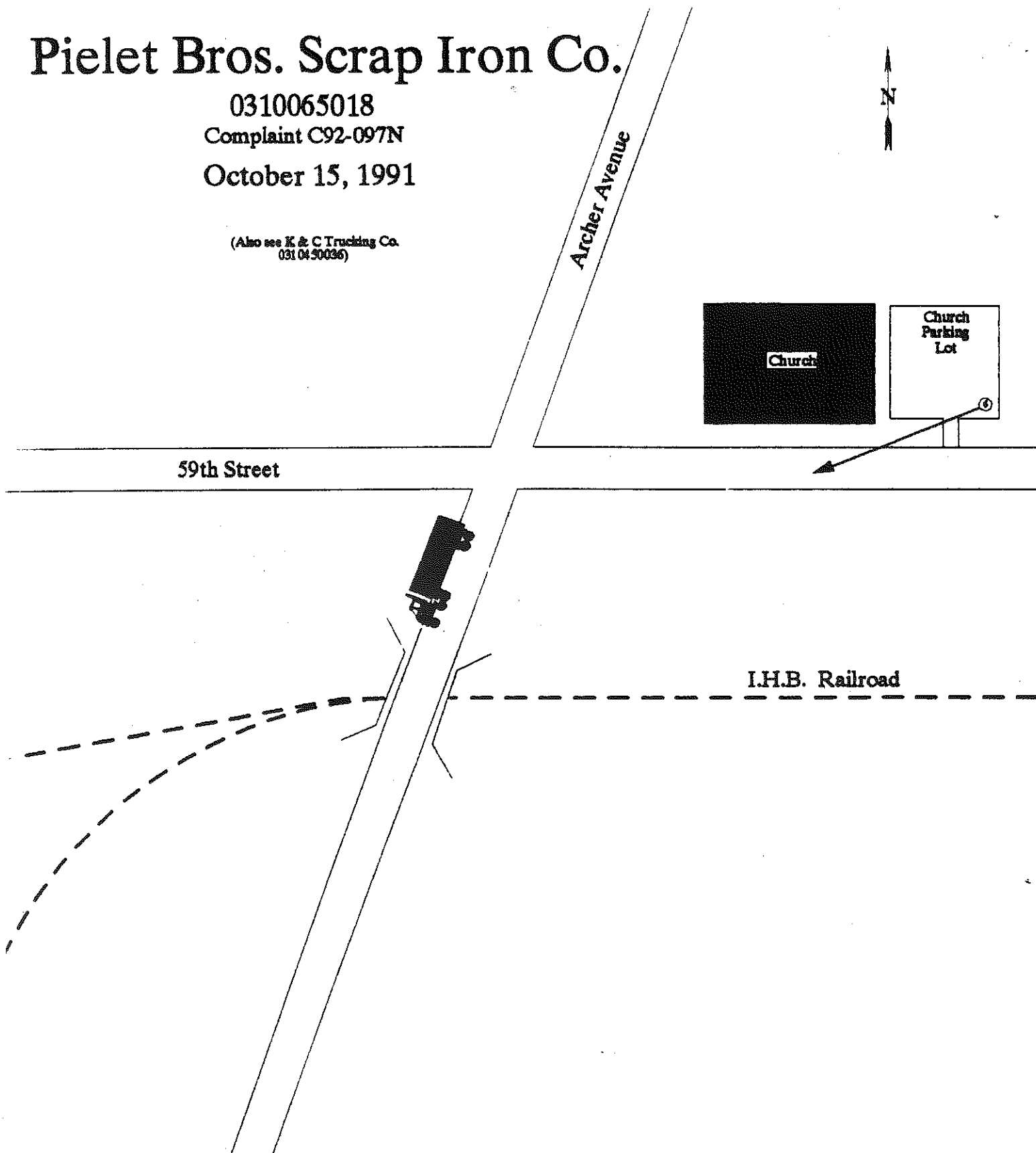
Pielet Bros. Scrap Iron Co.

0310065018

Complaint C92-097N

October 15, 1991

(Also see K & C Trucking Co.
031 04 50036)

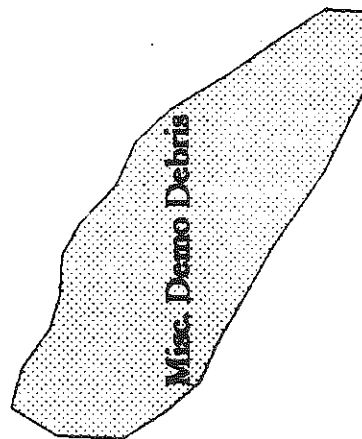
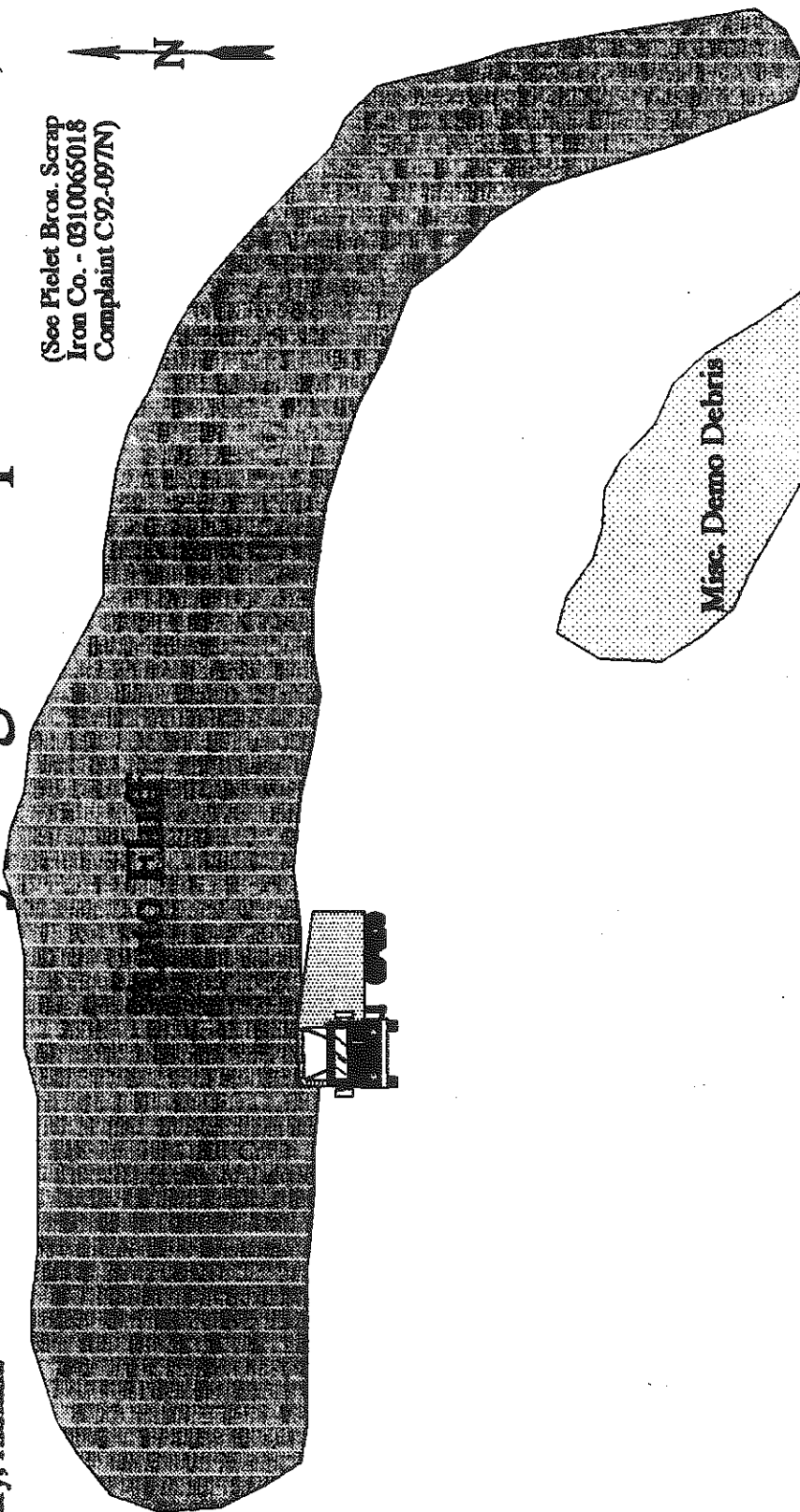


H & H Recycling Enterprises

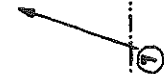
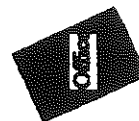
Gary, Indiana

October 15, 1991

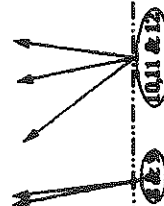
(See Fielet Bros. Scrap
Iron Co. - 0310065018
Complaint C92-097N)



Misc. Demo Debris



Fence



011 & 12

023



13216

Barn supporting Cline Avenue

Cline Avenue

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 1/30/20 TIME CALL CAME IN: 00:45 HRS. NOTIFIED BY ☒ ALARM ☐ RADIO ☐ TX ☐ WALK-IN
 FIRE CALL NO. 18 S.C. NO. 23411
 TIME DISPATCHED: 00:45 HRS. IN SERVICE: 00:49 HRS. ON SCENE: 00:50 HRS. DISMISSAL: 02:00 HRS.
 ADDRESS: 7900 W. 52th ST. OCCUPANT: PIELET BROS. PHONE NO.
 TYPE BUILDING: SCRAP YARD OWNER: PIELET BROS. PHONE NO.
 OCCUPIED AS: OWNER ADDRESS:
 OTHER OCCUPANTS:
 TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE VEHICLE RUBBISH X GRASS FALSE
 MUTUAL AID RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACTION
 OTHER (describe) ORIGIN/CAUSE
 WEATHER COND: CLEAR X TEMP. 30 CLOUDY RAIN SNOW FOG WIND: Heavy Light Gusty X None
 UNITS RESPONDING: 951, 952, 954, 950 EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS X
 TOTAL TIME UNITS OUT: 1 HR. MANPOWER: 15 BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL

LOSS DATA

ESTIMATED VALUE OF BUILDING
 ESTIMATED VALUE OF LOSS
 ESTIMATED VALUE OF CONTENTS
 ESTIMATED VALUE OF LOSS
 ESTIMATED INSURANCE ON BUILDING
 ESTIMATED INSURANCE ON CONTENTS
 DEATHS NONE
 INJURIES NONE

VEHICLE FIRE

AUTOMOTIVE: Vehicle
 Make Year Model
 LICENSE NO. State Year
 VEHICLE TAG NO. City Year
 OWNER NAME: PHONE NO.
 ADDRESS:
 FIRE STARTED IN:
 SERIAL NUMBER:
 ESTIMATED VALUE OF VEHICLE ESTIMATED LOSS

REMARKS: UPON ARRIVAL FOUND LARGE SCRAP PILE BURNING. USED 1 1/2 INCH PRECONNECT TO EXTINGUISH PORTION OF FIRE. EMPLOYEES USING BULL DOZER MACHINES WERE AIDING FIRE DEPT. WITH EXTINGUISHMENT OF FIRE.

OFFICER IN CHARGE CHIEF JOHN NEMETH

APPROVED BY

FIRE CHIEF

FIRE MARSHAL

John M. Nemeth
Robert W. Warko

Date 02/05/90

Date 2/4/90

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 3/10/90 TIME CALL CAME IN: 21:09 HRS. NOTIFIED BY ☐ ALARM ☐ RADIO ☒ TX ☐ WALK-IN
 TIME DISPATCHED: 21:09 HRS IN SERVICE: 21:13 HRS. FIRE CALL NO. 37 S.C. NO. 231-33
 ADDRESS: 7955 W. 59th ST. PILET BROS. ON SCENE: 21:14 HRS. DISMISSAL: 22:00 HRS.
 TYPE BUILDING: SCRAP YARD OCCUPANT: PHONE NO.
 OWNER: PHONE NO.
 OWNER ADDRESS:

TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE VEHICLE RUBBISH ☒ GRASS FALSE
 MUTUAL AID RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACTION
 OTHER (describe) ORIGIN/CAUSE

WEATHER COND: CLEAR ☒ TEMP. 40 CLOUDY RAIN SNOW FOG WIND: Heavy ☒ Light Gusty None
 UNITS RESPONDING: 952, 951, 955, 954 EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS
 TOTAL TIME UNITS OUT: 45 MIN. MANPOWER: 11 BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL

LOSS DATA	
ESTIMATED VALUE OF BUILDING	
ESTIMATED VALUE OF LOSS	
ESTIMATED VALUE OF CONTENTS	
ESTIMATED VALUE OF LOSS	
ESTIMATED INSURANCE ON BUILDING	
ESTIMATED INSURANCE ON CONTENTS	
DEATHS	NONE
INJURIES	NONE

VEHICLE FIRE	
AUTOMOTIVE: Vehicle	
Make	Year Model
LICENSE NO.	State Year
VEHICLE TAG NO.	City Year
OWNER NAME:	PHONE NO
ADDRESS:	
FIRE STARTED IN:	
SERIAL NUMBER:	
ESTIMATED VALUE OF VEHICLE	ESTIMATED LOSS

REMARKS: UPON ARRIVAL FOUND LARGE SCRAP PILE ON FIRE, PILET BROS. FRONT END LOADERS WERE USED TO
 SMOTHER FIRE, USED BOOSTER LINE TO COOL OFF MACHINES.

OFFICER IN CHARGE CHIEF JOHN NEMETH APPROVED BY
 FIRE CHIEF John M. Nemeth Date 03/26/90
 FIRE MARSHAL Robert W. Wicks Date 3/21/90

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 8/19/91 TIME CALL CAME IN: 17:59 HRS. NOTIFIED BY ☐ ALARM ☐ RADIO ☒ TX ☐ WALK-IN
 TIME DISPATCHED: 17:59 HRS IN SERVICE: 18:01 HRS. FIRE CALL NO. 222 S.C. NO. 264477
 ADDRESS: 7955 W. 59th ST. PILET BROS ON SCENE: 18:03 HRS. DISMISSAL: 23:03 HRS.
 TYPE BUILDING: SCRAP YARD OCCUPANT: PIELET BROS. PHONE NO.
 OWNER: PHONE NO.

OTHER OCCUPANTS: OWNER ADDRESS:

TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE VEHICLE RUBBISH ☒ GRASS FALSE
 MUTUAL AID RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACTION
 OTHER (describe) LARGE PILES OF SCRAP ORIGIN/CAUSE UNKNOWN

WEATHER COND: CLEAR ☒ TEMP. 75 CLOUDY RAIN SNOW FOG WIND: Heavy ☒ Light Gusty None
 UNITS RESPONDING: 952, 951, 955, 954, 957 EXTINGUISHED BY: WATER ☒ CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS
 TOTAL TIME UNITS OUT: 4 HRS. MANPOWER: 52 BOX ☒ 2nd ALARM 3rd ALARM 4th ALARM SPECIAL

LOSS DATA

ESTIMATED VALUE OF BUILDING
 ESTIMATED VALUE OF LOSS
 ESTIMATED VALUE OF CONTENTS
 ESTIMATED VALUE OF LOSS
 ESTIMATED INSURANCE ON BUILDING
 ESTIMATED INSURANCE ON CONTENTS
 DEATHS NONE
 INJURIES NONE

VEHICLE FIRE

AUTOMOTIVE: Vehicle Make Year Model
 LICENSE NO. State Year
 VEHICLE TAG NO. City Year
 OWNER NAME: PHONE NO.
 ADDRESS:
 FIRE STARTED IN:
 SERIAL NUMBER:
 ESTIMATED VALUE OF VEHICLE ESTIMATED LOSS

REMARKS: ARRIVED ON SCENE FOUND LARGE PILE OF SCRAP BURNING. DROPPED SKIDS FROM ENGINES 952, 951.
 ENGINE 955 SUPPLIED BOTH UNITS. DURING DURATION OF FIRE CHIEF NEMETH CALL FOR BOX ALARM FOR MORE
 MAN POWER & EQUIPMENT. FIRE EXTINGUISHED IN APPROX. 4 HRS. RETURNED TO QUARTERS.

OFFICER IN CHARGE CAPT. R. GALLAGA APPROVED BY

FIRE CHIEF John M. Nemeth Date 8/24/91
 FIRE MARSHAL Robert D. Dierck Date 8/21/91

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 21 NOV 93 TIME CALL CAME IN: 0641 S.C. #303568

TIME DISPATCHED: 0641 IN SERVICE: 0646 NOTIFIED BY

ADDRESS: 7955 W 59TH ST.

TYPE OF BUILDING:

OCCUPIED AS:

OTHER OCCUPANTS:

TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE VEHICLE RUBBISH ☒ GRASS FALSE MUTUAL AID

RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT

OTHER: ORIGIN / CAUSE: NOT WATCHING AREA GUARD ASLEEP

WEATHER COND: CLEAR ☒ TEMP 30 CLOUDY RAIN FOG SNOW WIND: DIRECTION VELOCITY HUMIDITY

UNITS RESPONDING: ENG 952 951 955 SQUAD 954

EXTINGUISHED BY: WATER ☒ CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS

TOTAL TIME UNITS OUT: MANPOWER: 17 BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL

LOSS DATA

ESTIMATED VALUE OF BUILDING:
 ESTIMATED VALUE OF LOSS:
 ESTIMATED VALUE OF CONTENTS:
 ESTIMATED VALUE OF LOSS:
 ESTIMATED INSURANCE ON BUILDING:
 ESTIMATED INSURANCE ON CONTENTS:

DEATHS:

INJURIES:

VEHICLE FIRE

AUTOMOTIVE: Vehicle

Make

Year

Model

LICENSE #

State

Year

VEHICLE TAG #

City

Year

OWNER NAME:

PHONE #

ADDRESS:

FIRE STARTED IN:

SERIAL NUMBER:

ESTIMATED VALUE: ESTIMATED LOSS:

REMARKS: RECEIVED A CALL FOR SMOKE IN AREA UPON ARRIVAL HAD PILE OF RUBBISH APPROX 75'X 100' BURNING.

EXTINGUISHED WITH TANK WATER PILET BROS PERSONEL WAS CONTACTED TO CONTROL OTHER SMOLDERING FIRES.

OFFICER IN CHARGE ASST. CHIEF ED MATYKIEWICZ APPROVED BY

FIRE CHIEF *John M. Rematto*

DATE 11/22/93

FIRE MARSHAL *Robert W. Wark*

DATE 11/24/93

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 4 JUNE 94 TIME CALL CAME IN: 2338 NOTIFIED BY _____ S.C. #312415
 TIME DISPATCHED: 2338 IN SERVICE: 2343
 ADDRESS: 7955 W 59TH STREET
 TYPE OF BUILDING: _____
 OCCUPIED AS: _____
 OTHER OCCUPANTS: _____

TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE VEHICLE RUBBISH ☒ GRASS FALSE MUTUAL AID
 RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT
 OTHER: _____

WEATHER COND: CLEAR ☒ TEMP 75 CLOUDY RAIN FOG SNOW WIND: DIRECTION VELOCITY HUMIDITY

UNITS RESPONDING: ENG 952

EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS ☒
 TOTAL TIME UNITS OUT: MANPOWER: 20

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS:	_____
INJURIES:	_____

VEHICLE FIRE	
AUTOMOTIVE: Vehicle _____	
Make _____	Year _____ Model _____
LICENSE # _____	State _____ Year _____
VEHICLE TAG # _____	City _____ Year _____
OWNER NAME: _____	PHONE # _____
ADDRESS: _____	
FIRE STARTED IN: _____	
SERIAL NUMBER: _____	
ESTIMATED VALUE: _____	ESTIMATED LOSS: _____

REMARKS: RECEIVED A CALL FOR A RUBBISH FIRE. UPON ARRIVAL HAD A 10FOOT X 10 FT. AREA OF RUBBISH BURNING. MIDWEST PERSONNEL WERE FOUND ON SCENE AND WERE CONTROLLING FIRE. THEIR PERSONEL WERE TO PUT OUT THE FIRE.

OFFICER IN CHARGE ASST. CHIEF ED MATYKIEWICZ APPROVED BY _____
 FIRE CHIEF Robert A. Nymuth DATE 06/05/94
 FIRE MARSHAL Robert W. Wachs DATE 6/17/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE Sept. 11, 1994 TIME CALL CAME IN: 12:53 hrs. ☐ ALARM ☐ RADIO ☐ FIRE CALL #94-0327 S.C. #94-317193
 TIME DISPATCHED: 12:53 hrs. IN SERVICE: 12:56 hrs. ☒ TX ☐ ON SCENE: 12:57 hrs. DISMISSAL: 15:10 hrs.
 ADDRESS: 7955 West 59th. Street Midwest Metalics ☐ WALK-IN ☐ OCCUPANT: PHONE:
 TYPE OF BUILDING: OWNER: PHONE:
 OCCUPIED AS: Scrap Yard OWNER ADDRESS:
 OTHER OCCUPANTS:

TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE VEHICLE RUBBISH ☒ GRASS FALSE MUTUAL AID
 RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT
 OTHER: ORIGIN / CAUSE: Spontaneous Combustion

WEATHER COND: CLEAR ☒ TEMP 85 CLOUDY RAIN FOG SNOW WIND: DIRECTION South VELOCITY 5mph. HUMIDITY 46%

UNITS RESPONDING: Engine's 952, 955, Van 950, Squad 954.

EXTINGUISHED BY: WATER ☒ CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS ☒
 TOTAL TIME UNITS OUT: 1hr. 15m MANPOWER: 11 BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS: <u>None</u>	_____
INJURIES: <u>None</u>	_____

VEHICLE FIRE	
AUTOMOTIVE: Vehicle _____	
Make _____	Year _____ Model _____
LICENSE # _____	State _____ Year _____
VEHICLE TAG # _____	City _____ Year _____
OWNER NAME: _____	PHONE # _____
ADDRESS: _____	_____
FIRE STARTED IN: _____	_____
SERIAL NUMBER: _____	_____
ESTIMATED VALUE: _____	ESTIMATED LOSS: _____

REMARKS: Upon arrival, northside of large pile of scrap on fire, just east of the office building. Engine 952 ordered to front of fire, Engine 955 layed five inch supply hose to Engine 952. Engine 952 used deck gun to extinguish fire. Also front end loader used for fire control by covering fire with buckets of water.

OFFICER IN CHARGE Chief John Nemeth APPROVED BY DATE 09/12/94
 FIRE CHIEF John M. Nemeth DATE 09/12/94
 FIRE MARSHAL Robert W. Winters DATE 09/12/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 9-14-94 TIME CALL CAME IN: 0523 FIRE CALL # 330 S.C. # 317307
 TIME DISPATCHED: 0523 IN SERVICE: 0527 ON SCENE: 0530 DISMISSAL: 0600
 ADDRESS: 7955 W. 59TH ST WALK-IN
 TYPE OF BUILDING: _____ OCCUPANT: _____ PHONE: _____
 OWNER: _____ PHONE: _____
 OWNER ADDRESS: _____

OTHER OCCUPANTS: _____
 TYPE CALL: RESIDENCE _____ BUSINESS _____ INDUSTRY _____ GARAGE _____ VEHICLE _____ RUBBISH ☒ GRASS _____ FALSE _____ MUTUAL AID _____
 RESCUE _____ POWER FAILURE _____ WASH DOWN _____ SCHOOL ALARM _____ ASSIST POLICE _____ ASSIST AMB. _____ EXTRACATION _____ HAZ MAT _____
 OTHER: _____ ORIGIN / CAUSE: _____

WEATHER COND: CLEAR _____ TEMP 65 CLOUDY _____ RAIN _____ FOG _____ SNOW _____ WIND: DIRECTION S VELOCITY 15 MPH HUMIDITY _____

UNITS RESPONDING: ENG 952

EXTINGUISHED BY: WATER _____ CHEMICALS _____ SELF EXTINGUISHED _____ MAKE SHIFT AIDS _____
 BOX _____ 2nd ALARM _____ 3rd ALARM _____ 4th ALARM _____ SPECIAL _____
 TOTAL TIME UNITS OUT: 25 MIN MANPOWER: 7

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS:	<u>NONE</u>
INJURIES:	<u>NONE</u>

VEHICLE FIRE	
AUTOMOTIVE: Vehicle _____	
Make _____	Year _____ Model _____
LICENSE # _____	State _____ Year _____
VEHICLE TAG # _____	City _____ Year _____
OWNER NAME: _____	PHONE # _____
ADDRESS: _____	
FIRE STARTED IN: _____	
SERIAL NUMBER: _____	
ESTIMATED VALUE: _____	ESTIMATED LOSS: _____

REMARKS: UPON ARRIVAL FD SPOKE WITH AN EMPLOYEE WHO RELATED THERE WAS A SMALL RUBBISH FIRE, BUT FIRE WAS EXTINGUISHED BY COMPANY EMPLOYEES. AT THAT TIME ALL EQUIPMENT RETURNED TO QUARTERS.

OFFICER IN CHARGE CAPT. J. MARROTTA APPROVED BY _____
 FIRE CHIEF John M. Remoth DATE 09/14/94
 FIRE MARSHAL Robert Warlus DATE 9/28/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 1 OCT 94 TIME CALL CAME IN: 2132 ☐ ALARM ☐ FIRE CALL #351 S.C. #318Q10
 TIME DISPATCHED: 2132 IN SERVICE: 2136 ☐ RADIO ☒ TX ON SCENE: 2137 DISMISSAL: 0135
 ADDRESS: 7955 W 59TH ST WALK-IN ☐ OCCUPANT: PHONE:
 TYPE OF BUILDING: OWNER: MIDWEST METALLIC PHONE:
 OCCUPIED AS: OWNER ADDRESS:

OTHER OCCUPANTS:
 TYPE CALL: RESIDENCE ☐ BUSINESS ☒ INDUSTRY ☐ GARAGE ☐ VEHICLE ☐ RUBBISH ☒ GRASS ☐ FALSE ☐ MUTUAL AID ☐
 RESCUE ☐ POWER FAILURE ☐ WASH DOWN ☐ SCHOOL ALARM ☐ ASSIST POLICE ☐ ASSIST AMB. ☐ EXTRACATION ☐ HAZ MAT ☐
 OTHER: ORIGIN / CAUSE: SPONTANEOUS

WEATHER COND: CLEAR ☒ TEMP 55 CLOUDY ☐ RAIN ☐ FOG ☐ SNOW ☐ WIND: DIRECTION VELOCITY HUMIDITY
 UNITS RESPONDING: ENG 952, 955, 951, SQUAD 954, 950 957
 EXTINGUISHED BY: WATER ☒ CHEMICALS ☐ SELF EXTINGUISHED ☐ MAKE SHIFT AIDS ☐
 TOTAL TIME UNITS OUT: 3 HRS. MANPOWER: 18 BOX ☐ 2nd ALARM ☐ 3rd ALARM ☐ 4th ALARM ☐ SPECIAL ☐

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	
ESTIMATED VALUE OF LOSS:	
ESTIMATED VALUE OF CONTENTS:	
ESTIMATED VALUE OF LOSS:	
ESTIMATED INSURANCE ON BUILDING:	
ESTIMATED INSURANCE ON CONTENTS:	
DEATHS:	
INJURIES:	

VEHICLE FIRE	
AUTOMOTIVE: Vehicle	
Make	Year
LICENSE #	State
VEHICLE TAG #	City
OWNER NAME:	PHONE #
ADDRESS:	
FIRE STARTED IN:	
SERIAL NUMBER:	
ESTIMATED VALUE:	ESTIMATED LOSS:

REMARKS: RECEIVED A CALL FOR A FIRE AT ABOVE LOCATION. UPON ARRIVAL HAD ABOUT A AREA 700 FT. X 1,000 FT OF BURNING RUBBISH. USED DECK GUN 1- 1/2 LINE AND 2-1/2 INCH LINE TO EXTINGUISH. HOMETOWN CALLED FOR STANDBY AT OUR STATION.

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY DATE 10/10/94
 FIRE CHIEF John M. Nemeth DATE 10/10/94
 FIRE MARSHAL Robert Wasko DATE 10/30/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 3 OCT 94 TIME CALL CAME IN: 1939 S.C. #318109
 TIME DISPATCHED: 1939 IN SERVICE: 1942 FIRE CALL #352
 ADDRESS: 7955 59TH ST ON SCENE: 1943 DISMISSAL: 2010
 TYPE OF BUILDING: _____ WALK-IN _____
 OCCUPANT: _____ PHONE: _____
 OWNER: MIDWEST METALLIC PHONE: _____
 OWNER ADDRESS: _____

OTHER OCCUPANTS: _____
 TYPE CALL: RESIDENCE _____ BUSINESS _____ INDUSTRY _____ GARAGE _____ VEHICLE _____ RUBBISH ☒ GRASS _____ FALSE _____ MUTUAL AID _____
 RESCUE _____ POWER FAILURE _____ WASH DOWN _____ SCHOOL ALARM _____ ASSIST POLICE _____ ASSIST AMB. _____ EXTRACATION _____ HAZ MAT _____
 OTHER: _____ ORIGIN / CAUSE: UNK

WEATHER COND: CLEAR ☒ TEMP 62 CLOUDY _____ RAIN _____ FOG _____ SNOW _____ WIND: DIRECTION _____ VELOCITY _____ HUMIDITY _____
 UNITS RESPONDING: ENG 952 950
 EXTINGUISHED BY: WATER _____ CHEMICALS _____ SELF EXTINGUISHED _____ MAKE SHIFT AIDS _____
 TOTAL TIME UNITS OUT: _____ MANPOWER: 13 BOX _____ 2nd ALARM _____ 3rd ALARM _____ 4th ALARM _____ SPECIAL _____

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS:	_____
INJURIES:	_____

VEHICLE FIRE	
AUTOMOTIVE: Vehicle _____	_____
Make _____	Year _____ Model _____
LICENSE # _____	State _____ Year _____
VEHICLE TAG # _____	City _____ Year _____
OWNER NAME: _____	PHONE # _____
ADDRESS: _____	_____
FIRE STARTED IN: _____	_____
SERIAL NUMBER: _____	_____
ESTIMATED VALUE: _____	ESTIMATED LOSS: _____

REMARKS: RECEIVED A CALL FOR A RUBBISH FIRE. UPON ARRIVAL THEIR PERSONEL HAD FIRE UNDER CONTROL AND STATED THEY COULD HANDLE SITUATION.

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY _____
 FIRE CHIEF John M. Remond DATE 10/04/94
 FIRE MARSHAL Robert Wasko DATE 10/30/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE Oct. 23, 1994 TIME CALL CAME IN: 18:50 hrs. FIRE CALL #940373 S.C. #94-318926
 TIME DISPATCHED: 18:50 hrs. IN SERVICE: 18:55 hrs. ON SCENE: 19:00 hrs. DISMISSAL: 20:00 hrs.
 ADDRESS: 7955 West 59th. Street Midwest Metallic
 TYPE OF BUILDING: _____
 OCCUPIED AS: Scrap Yard
 OTHER OCCUPANTS: _____

TYPE CALL: RESIDENCE _____ BUSINESS _____ INDUSTRY _____ GARAGE _____ VEHICLE _____ RUBBISH ☒ GRASS _____ FALSE _____ MUTUAL AID _____
 RESCUE _____ POWER FAILURE _____ WASH DOWN _____ SCHOOL ALARM _____ ASSIST POLICE _____ ASSIST AMB. _____ EXTRACATION _____ HAZ MAT _____
 OTHER: _____ ORIGIN / CAUSE: Spontaneous Combustion

WEATHER COND: CLEAR ☒ TEMP 50 CLOUDY _____ RAIN _____ FOG _____ SNOW _____ WIND: DIRECTION west VELOCITY 15mph HUMIDITY 40%
 UNITS RESPONDING: Engine's 952, 955, 951, Ambulance 957.

EXTINGUISHED BY: WATER _____ CHEMICALS _____ SELF EXTINGUISHED _____ MAKE SHIFT AIDS _____
 TOTAL TIME UNITS OUT: 45 min. MANPOWER: 10 BOX _____ 2nd ALARM _____ 3rd ALARM _____ 4th ALARM _____ SPECIAL _____

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS: <u>None</u>	_____
INJURIES: <u>None</u>	_____

VEHICLE FIRE	
AUTOMOTIVE: Vehicle _____	
Make _____	Year _____ Model _____
LICENSE # _____	State _____ Year _____
VEHICLE TAG # _____	City _____ Year _____
OWNER NAME: _____	PHONE # _____
ADDRESS: _____	
FIRE STARTED IN: _____	
SERIAL NUMBER: _____	ESTIMATED LOSS: _____
ESTIMATED VALUE: _____	ESTIMATED LOSS: _____

REMARKS: Upon arrival, had large pile of scrap burning, Midwest Metallic employee using their front end loader machine and Fire Department using the booster line, extinguished the fire. Employee's stayed on scene to keep watch on the pile. All equipment returned to quarters.

OFFICER IN CHARGE Chief John Nemeth APPROVED BY _____ DATE 10/26/94
 FIRE CHIEF John M. Nemeth DATE 10/26/94
 FIRE MARSHAL John W. Wank DATE 10/30/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 13 NOV 94 TIME CALL CAME IN: 1136 ☐ ALARM FIRE CALL #406 S.C. #319793
 TIME DISPATCHED: 1136 IN SERVICE: 1140 ☐ RADIO ON SCENE: 1142 DISMISSAL: 1245
 ADDRESS: 7955 W 59TH ST ☐ TX WALK-IN OCCUPANT: PHONE:
 TYPE OF BUILDING: OWNER: MIDWEST METALLIC PHONE: OWNER ADDRESS:
 OCCUPIED AS: SCRAP YARD

OTHER OCCUPANTS: TYPE CALL: RESIDENCE BUSINESS INDUSTRY ☒ GARAGE VEHICLE RUBBISH GRASS FALSE MUTUAL AID
RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT
 OTHER: ORIGIN / CAUSE: UNK

WEATHER COND: CLEAR TEMP 55 CLOUDY RAIN FOG SNOW WIND: DIRECTION VELOCITY HUMIDITY

UNITS RESPONDING: ENG 952, 955, AMB 957

EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL
 TOTAL TIME UNITS OUT: MANPOWER: 10

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	
ESTIMATED VALUE OF LOSS:	
ESTIMATED VALUE OF CONTENTS:	
ESTIMATED VALUE OF LOSS:	
ESTIMATED INSURANCE ON BUILDING:	
ESTIMATED INSURANCE ON CONTENTS:	
DEATHS:	
INJURIES:	

VEHICLE FIRE	
AUTOMOTIVE: Vehicle	
Make	Year Model
LICENSE #	State Year
VEHICLE TAG #	City Year
OWNER NAME:	PHONE #
ADDRESS:	
FIRE STARTED IN:	
SERIAL NUMBER:	
ESTIMATED VALUE:	ESTIMATED LOSS:

REMARKS: RECEIVED A CALL FOR A RUBBISH FIRE AT ABOVE LOCATION. UPON ARRIVAL HAD LARGE PILE OF RUBBISH BURNING. WE WERE UNABLE TO GAIN ACCESS TO FIRE BECAUSE OF CONDITIONS OF ROAD. AFTER 15 MIN OPERATOR CONTACTED. FIRE TURNED OVER TO THEIR PERSONEL.

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY DATE 11/13/94
 FIRE CHIEF Robert W. Walker DATE 11/14/94
 FIRE MARSHAL

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 24 NOV 94 TIME CALL CAME IN: 07:21 NOTIFIED BY _____
 S.C. # 320210
 TIME DISPATCHED: 07:21 IN SERVICE: 07:24
 ADDRESS: 7955 W. 59TH ST.
 TYPE OF BUILDING: _____
 OCCUPIED AS: _____
 OTHER OCCUPANTS: _____

TYPE CALL: RESIDENCE _____ BUSINESS _____ INDUSTRY ☒ GARAGE _____ VEHICLE _____ RUBBISH ☒ GRASS _____ FALSE _____ MUTUAL AID _____
 RESCUE _____ POWER FAILURE _____ WASH DOWN _____ SCHOOL ALARM _____ ASSIST POLICE _____ ASSIST AMB. _____ EXTRACATION _____ HAZ MAT _____
 OTHER: _____ ORIGIN / CAUSE: UNK.

WEATHER COND: CLEAR ☒ TEMP 30 CLOUDY _____ RAIN _____ FOG _____ SNOW _____ WIND: DIRECTION _____ VELOCITY _____ HUMIDITY _____
 UNITS RESPONDING: ENG. 952

EXTINGUISHED BY: WATER _____ CHEMICALS _____ SELF EXTINGUISHED _____ MAKE SHIFT AIDS _____
 TOTAL TIME UNITS OUT: 36 MIN. MANPOWER: 17

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS:	_____
INJURIES:	_____

VEHICLE FIRE	
AUTOMOTIVE: Vehicle	_____
Make	_____ Year _____ Model _____
LICENSE #	_____ State _____ Year _____
VEHICLE TAG #	_____ City _____ Year _____
OWNER NAME:	_____ PHONE # _____
ADDRESS:	_____
FIRE STARTED IN:	_____
SERIAL NUMBER:	_____
ESTIMATED VALUE:	_____ ESTIMATED LOSS: _____

REMARKS: RECEIVED A CALL FOR A FIRE AT MIDWEST METALLICS, UPON ARRIVAL HAD A PILE OF RUBBISH ON FIRE. MIDWEST PERSONEL ON SCENE STATED THEY COULD HANDLE FIRE. RETURNED TO QUARTERS.

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY _____
 FIRE CHIEF John M. Remick DATE 11/28/94
 FIRE MARSHAL Robert Winkler DATE 12/1/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 12/24/94 TIME CALL CAME IN: 10:30

TIME DISPATCHED: 10:30 IN SERVICE: 10:35

ADDRESS: 7955 W. 59TH STREET

TYPE OF BUILDING: _____

OCCUPIED AS: JUNK YARD

OTHER OCCUPANTS: _____

TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE

RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM

OTHER: _____

WEATHER COND: CLEAR TEMP 42 CLOUDY RAIN FOG SNOW

UNITS RESPONDING: ENG. 955, 951, SOD. 954 & VAN 950

EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED

TOTAL TIME UNITS OUT: 1 HR. 20M MANPOWER: 17

LOSS DATA

ESTIMATED VALUE OF BUILDING: _____

ESTIMATED VALUE OF LOSS: _____

ESTIMATED VALUE OF CONTENTS: _____

ESTIMATED VALUE OF LOSS: _____

ESTIMATED INSURANCE ON BUILDING: _____

ESTIMATED INSURANCE ON CONTENTS: _____

DEATHS: NONE

INJURIES: NONE

ALARM

RADIO

TX

WALK-IN

OCCUPANT:

OWNER: MIDWEST METALLIC

OWNER ADDRESS:

S.C. # 321385

DISMISSAL: 11:50

PHONE:

PHONE: 496-9444

VEHICLE FIRE

AUTOMOTIVE: Vehicle

Make

Year

Model

LICENSE #

State

Year

VEHICLE TAG #

City

Year

OWNER NAME:

PHONE #

ADDRESS:

FIRE STARTED IN:

SERIAL NUMBER:

ESTIMATED VALUE:

ESTIMATED LOSS:

REMARKS: RESPONDED TO ABOVE LOCATION FOR RUBBISH ON FIRE. UPON ARRIVAL FOUND TO BE SEVERAL JUNKED CARS AND SMALL PILE OF RUBBISH ON FIRE. FIRE WAS EXTINGUISHED WITH 1 3/4 PRE-CONNECT, TANK WATER. ALL UNITS RETURNED TO QUARTERS.

FIRE CHIEF John M. Nemeth DATE 12/27/94

FIRE MARSHAL Robert Wanko DATE 12/28/94

OFFICER IN CHARGE LT. KEN KAMINSKI

APPROVED BY

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 12-26-94 TIME CALL CAME IN: 21:46 NOTIFIED BY _____
 TIME DISPATCHED: 21:46 IN SERVICE: 21:47
 ADDRESS: 7955 W. 59TH STREET
 TYPE OF BUILDING: _____
 OCCUPIED AS: MIDWEST METALLIC
 OTHER OCCUPANTS: _____

TYPE CALL: RESIDENCE BUSINESS ☒ INDUSTRY GARAGE VEHICLE RUBBISH GRASS FALSE MUTUAL AID
 RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT
 OTHER: _____

WEATHER COND: CLEAR ☒ TEMP 31 CLOUDY RAIN FOG SNOW WIND: DIRECTION S/W VELOCITY 15 MPH HUMIDITY _____

UNITS RESPONDING: 955, 954

EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS

TOTAL TIME UNITS OUT: 15 MIN. MANPOWER: 17 BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL

LOSS DATA

ESTIMATED VALUE OF BUILDING: _____
 ESTIMATED VALUE OF LOSS: _____
 ESTIMATED VALUE OF CONTENTS: _____
 ESTIMATED VALUE OF LOSS: _____
 ESTIMATED INSURANCE ON BUILDING: _____
 ESTIMATED INSURANCE ON CONTENTS: _____
 DEATHS: NONE
 INJURIES: NONE

VEHICLE FIRE

AUTOMOTIVE: Vehicle
 Make Year Model
 LICENSE # State Year
 VEHICLE TAG # City Year
 OWNER NAME: PHONE #
 ADDRESS:
 FIRE STARTED IN:
 SERIAL NUMBER:
 ESTIMATED VALUE: ESTIMATED LOSS:

REMARKS: RECEIVED CALL OF RUBBISH BURNING SMOLDERING PILES. MIDWEST METALLIC WOULD HANDLE. RETURNED BACK TO QUARTERS.

OFFICER IN CHARGE CAPT. J. ESPOSITO (9504) APPROVED BY _____
 FIRE CHIEF John M. Nemeth DATE 12/27/94
 FIRE MARSHAL Robert W. Wanko DATE 12/28/94

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 12 JAN 95 TIME CALL CAME IN: 2203 FIRE CALL #24 S.C. #322040
 TIME DISPATCHED: 2203 IN SERVICE: 2208 NOTIFIED BY TX ON SCENE: 2210 DISMISSAL: 2245
 ADDRESS: 7955 W 59TH ST WALK-IN WALK-IN OCCUPANT: PHONE:
 TYPE OF BUILDING: OWNERS: MIDWEST METALLICS PHONE: PHONE:
 OCCUPIED AS: OWNER ADDRESS:

OTHER OCCUPANTS: VEHICLE RUBBISH ✓ GRASS FALSE MUTUAL AID FALSE
 TYPE CALL: RESIDENCE BUSINESS INDUSTRY GARAGE ASSIST POLICE ASSIST AMB. EXTRACATION HAZ MAT
 RESCUE POWER FAILURE WASH DOWN SCHOOL ALARM ORIGIN / CAUSE: UNK

WEATHER COND: CLEAR ✓ TEMP 35 CLOUDY RAIN FOG SNOW WIND: DIRECTION VELOCITY HUMIDITY VELOCITY

UNITS RESPONDING: ENG 952, 955

EXTINGUISHED BY: WATER CHEMICALS SELF EXTINGUISHED MAKE SHIFT AIDS BOX 2nd ALARM 3rd ALARM 4th ALARM SPECIAL
 TOTAL TIME UNITS OUT: MANPOWER: 16

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	
ESTIMATED VALUE OF LOSS:	
ESTIMATED VALUE OF CONTENTS:	
ESTIMATED VALUE OF LOSS:	
ESTIMATED INSURANCE ON BUILDING:	
ESTIMATED INSURANCE ON CONTENTS:	
DEATHS:	
INJURIES:	

VEHICLE FIRE	
AUTOMOTIVE: Vehicle	
Make	Year
LICENSE #	State
VEHICLE TAG #	City
OWNER NAME:	PHONE #
ADDRESS:	
FIRE STARTED IN:	
SERIAL NUMBER:	
ESTIMATED VALUE:	ESTIMATED LOSS:

REMARKS: RECEIVED A CALL FOR A RUBBISH FIRE. UPON ARRIVAL HAD PILE OF RUBBISH SMOLDERING. UPON ARRIVAL THEIR PERSONEL WERE ON SCENE THEY STATED THEIR WAS NO FIRE AND THEY WOULD HANDLE ANY SMOLDERING.

OFFICER IN CHARGE ASST CHIEF ED MATYKIEWICZ APPROVED BY DATE 01/17/95
 FIRE CHIEF Robert W. Warden DATE 1/18/95
 FIRE MARSHAL Robert W. Warden

SUMMIT FIRE DEPARTMENT ALARM REPORT

DATE 5/21/95 TIME CALL CAME IN: 13:19 NOTIFIED BY _____
 TIME DISPATCHED: 13:19 IN SERVICE: 13:20
 ADDRESS: 7955 W. 59TH ST.

☐ ALARM FIRE CALL # 188 S.C. # 327146
☒ RADIO TX ON SCENE: 13:21 DISMISSAL: 15:30
☐ WALK-IN OCCUPANT: _____ PHONE: _____
 OWNER: MIDWEST METALLIC PHONE: _____
 OWNER ADDRESS: _____

OTHER OCCUPANTS: _____
 TYPE CALL: RESIDENCE _____ BUSINESS _____ INDUSTRY _____ GARAGE _____ VEHICLE _____ RUBBISH ☒ GRASS _____ FALSE _____ MUTUAL AID _____
 RESCUE _____ POWER FAILURE _____ WASH DOWN _____ SCHOOL ALARM _____ ASSIST POLICE _____ ASSIST AMB. _____ EXTRICATION _____ HAZ MAT _____
 OTHER: _____ ORIGIN / CAUSE: COMBUSTION

WEATHER COND: CLEAR ☒ TEMP 75 CLOUDY _____ RAIN _____ FOG _____ SNOW _____ WIND: DIRECTION NW VELOCITY 10 HUMIDITY 58%
 UNITS RESPONDING: VAN 950, ENG. 952, ENG. 955, AMB. 957, ENG. 951
 EXTINGUISHED BY: WATER ☒ CHEMICALS _____ SELF EXTINGUISHED _____ MAKE SHIFT AIDS _____
 TOTAL TIME UNITS OUT: 1H, 51M MANPOWER: _____ BOX _____ 2nd ALARM _____ 3rd ALARM _____ 4th ALARM _____ SPECIAL _____

LOSS DATA	
ESTIMATED VALUE OF BUILDING:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED VALUE OF CONTENTS:	_____
ESTIMATED VALUE OF LOSS:	_____
ESTIMATED INSURANCE ON BUILDING:	_____
ESTIMATED INSURANCE ON CONTENTS:	_____
DEATHS: <u>NONE</u>	_____
INJURIES: <u>NONE</u>	_____

VEHICLE FIRE	
AUTOMOTIVE: Vehicle _____	
Make _____	Year _____ Model _____
LICENSE # _____	State _____ Year _____
VEHICLE TAG # _____	City _____ Year _____
OWNER NAME: _____	PHONE # _____
ADDRESS: _____	
FIRE STARTED IN: _____	
SERIAL NUMBER: _____	
ESTIMATED VALUE: _____	ESTIMATED LOSS: _____

REMARKS: UPON ARRIVAL HAD LARGE SCRAP PILE OF FLUFF & METAL BURNING. PERSONNEL FROM MIDWEST METALLICS USED A BULLDOZER TO AID IN EXTINGUISHING FIRE. ENG. 952 USED DECK GUN AND BOOSTER LINE WITH ENG.'S 955 & 951 SHUTTTLING WATER, ALSO AIDING WITH FIRE SUPPRESSION.

OFFICER IN CHARGE CHIEF NEMETH APPROVED BY _____
 FIRE CHIEF John M. Nemeth DATE 05/25/95
 FIRE MARSHAL Robert W. Warden DATE 5/25/95

9441.1988(48)

NOV 21 1988

MEMORANDUM

SUBJECT: Possible Applicability of RCRA Regulations to Fluff

FROM: Mitch Kidwell, Environmental Protection Specialist
Waste Characterization Branch
Office of Solid Waste (OS-332)

THRU: Robert W. Dellinger, Chief
Waste Characterization Branch
Office of Solid Waste (OS-332)

TO: Richard La Shier and Janis Johnson
Chemical Regulation Branch
Office of Toxic Substances

This memorandum is written to present the possible applicability of RCRA Subtitle C regulations to contaminated "fluff" residuals from ferrous metals recycling activities (in particular, automobile shredding).

As stated in the background document that was discussed at the October 28th workgroup meeting, the key constituents of concern in the fluff are PCBs and lead. PCBs are normally regulated under TSCA, and lead (and other hazardous metals which may also be found in the fluff) is potentially regulated under RCRA. Assuming the lead is in concentrations equal to or greater than the extraction procedure (EP) Toxicity value of 5.0 mg/1 (see 40 CFR 261.24), the waste is a characteristic hazardous waste subject to Subtitle C provisions. The waste may also be characteristically hazardous for other heavy metals at varying concentrations (E.G., cadmium (1.0 mg/1) and chromium (5.0 mg/1)). Once the waste has been determined to be hazardous, it must either be treated until it no longer exhibits the characteristic (at which time it may be disposed in a Subtitle D facility), or it must be disposed in a RCRA Subtitle C facility. There are not exemptions applicable to shredder fluff.

We have been advised by Alec McBride, Chief of the Technical Assessment Branch, OSW, that for certain waste streams, a sampling and analysis method that accounts for the variability of constituents in the waste stream may be appropriate. One such method is presented in the attached draft guidance document for Municipal Refuse Incinerator Ash. This method, if adopted, may be used to determine the average property of the waste to assess whether the waste is hazardous by characteristic. We may want to consider using such a method to characterize shredder fluff because of the high variability of the constituent concentrations, depending on the feed material for any particular batch of fluff.

Also, should the fluff be determined to be hazardous, it may be subject to the Land Disposal Restrictions under 40 CFR 268.32 if it were to contain halogenated organic compounds (HOCs). Appendix III of Part 268 lists the HOCs (including PCBs) subject to the California list prohibitions, provided that the total HOCs are in concentrations of 1000 mg/kg or greater. Should the fluff be determined to be a hazardous waste and contain HOCs in concentrations equal to or greater than 1000mg/kg, the fluff would have to meet the applicable treatment standard prior to placement on the land. The treatment standard applicable to HOCs is incineration in accordance with the requirements of Part 264 Subpart O or Part 265 Subpart O (or 40 CFR 761.70).

Finally, it should be noted that the so-called "hard hammer" for all hazardous wastes (listed and identified by characteristic as of November 8, 1984) falls on May 8, 1990. Under RCRA Section 3004 (g)(6)(C), unless EPA sets treatment standards that are protective of human health and the environment for a hazardous waste listed or identified (as of November 8, 1984) by May 8, 1990, the waste is prohibited from land disposal. Should the fluff be identified as a hazardous waste, it would have to meet the applicable treatment standard prior to placement on the land in the Fall of 1989, for the last set of wastes subject to the Land Disposal Restrictions.)

Should you need further information, please contact me at 382-4805.

Attachment

document

✓



AUTOMOBILE PROCESSING YARD

P.O. BOX 131 • ARGO, ILLINOIS 60501
Telephone 312 - 594-7171

June 5, 1986

Mr. Mark A. Haney, Manager
Facilities Compliance Unit
Compliance Monitoring Section
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

RECEIVED

JUN 09 1986

ILL. E.P.A. - D.L.P.C.
STATE OF ILLINOIS

Re: Argo/Pielet Bros., Inc.
0310060003--Cook County
EEA No. [512-32]

Dear Mr. Haney:

Pursuant to your "Compliance Inquiry Letter" dated May 27, 1986, we offer the following response:

Pielet Brothers Scrap Iron & Metal, Inc. recycles automobiles into scrap iron and metal utilizing a hammermill shredder. Waste materials are the result of a mechanical separation process. The process results in the separation of metallic and non-metallic auto parts. Shredded parts are introduced into a flotation chamber where separation of the fluff from the metal fraction occurs. Grit is settled from the recirculated liquids and removed for disposal. Pielet Brothers disposes the waste as fluff, grit, or a combination of the two.

The alleged violation listed in the above referenced correspondence, Attachment A, cites 35 Illinois Administrative Code (IAC) 722.111 which states, "a person who generates a solid waste as defined in Section 721.102, must determine if that waste is a hazardous waste...". Not only have we periodically analyzed our waste stream over the past few years, but we have notified the Agency of our results on several occasions. At no time have our analytical tests showed the waste stream from Pielet's Argo facility to exhibit hazardous characteristics. In support of this we offer the following outline of events:

Mr. Mark A. Haney
June 5, 1986
Page Two

I. In correspondence dated July 11, 1980 (copy attached) from the United States Environmental Protection Agency to the Institute of Scrap Iron and Steel, Inc. (ISIS), the USEPA approved a waste sampling program promulgated by ISIS for various scrap processing facilities. This program was designed by ISIS to check random member facilities for hazardous waste, thus eliminating the need for each and every ISIS member to check his waste stream. A memorandum (copy attached) from ISIS to its members (Piolet Brothers is a member and received notification), specifically states that the ISIS study "concludes that waste from shears, shredders, and shredder scrubbers is not hazardous". The ISIS memorandum further explains the USEPA position such that:

"an individual processor may satisfy his responsibility to determine whether his waste is hazardous by relying upon an industry-wide statistically representative sampling of the industry's waste."

II. In June 1984, we had our shredder waste analyzed by an independent consulting engineering firm (Eldredge Engineering Associates, Inc.) to insure our waste was consistent with the findings of the ISIS study. The waste samples were analyzed for EP Toxicity (metals) and PCB's. The results (attached) showed the waste did not exhibit hazardous characteristics.

III. In December 1984, we had sediment and water samples from our shredder separation process analyzed for PCB content. An extensive sampling program was initiated, and 17 samples were collected and analyzed. All samples had PCB concentrations lower than the recommended limits (less than 50 ppm as outlined in 40 CFR Part 761). A copy of the laboratory analysis is attached.

IV. On January 2, 1985 our engineers, Eldredge Engineering Associates, Inc., contacted Mr. Charles Gruntman of the Agency's Maywood office and provided a copy of PCB analyses. In that letter (attached), they referenced previous conversations with the Agency in November 1982, and also pointed out the fact that we were in the process of running further analyses (including EP Toxicity) in preparation for filing an IEPA Special Waste Stream Disposal Application.

Mr. Mark A. Haney
June 5, 1986
Page Three

V. Piolet Brothers applied to John Sexton Contractors to obtain a Special Waste Stream Disposal Permit in February, 1985. This applicatoin contained a complete chemical analysis of the waste material generated by our auto shredding process. This application was forwarded by Sexton to the IEPA's Springfield offices for processing. Three Special Waste Stream Permits were granted by the Agency in May and June of 1985 for disposal fo our material at John Sexton Contractor's Beecher site (IEPA Site No. 1978010001).

Based on the above record of consciencious sampling and analysis, we feel we have met all the requirements of 35 IAC 722.111 and are not, and never have been, in violation of this Section. All analyses to-date have indicated we do not generate a "hazardous" waste as defined in 35 IAC Part 721; and therefore, we are not subject to the requirements of 35 IAC Part 703, Part 722, or Part 725. An extensive industrywide study performed by Clayton Environmental Consultants, Inc. for ISIS and approved by the USEPA, determined that waste generated from an auto shredding process is not hazardous. All our testing to-date has supported the ISIS conclusions.

It is our understanding that the inspection of our facility was initiated after a complaint was received by the Agency from the Greene Valley Landfill. Their analysis indicated an EP Toxicity for lead at 7.9 mg/l. Without knowing their sampling technique, analytical technique, sample preservation or laboratory quality control, we cannot address their results. All of our testing to-date has shown EP Toxicity lead levels well below the 5mg/l allowable as outlined in 35 IAC Part 721.124. We are currently investigating why this load was brought to Greene Valley and not to our normal disposal site.

We have retained Eldredge Engineering Associates, Inc. to implement further testing and analysis of our waste stream. If any of our waste streams are found to be "hazardous" as defined in 35 IAC Part 721, we will notify the Agency and file the appropriate forms and manifests. We have also instituted a program to reduce the amount of lead received at our facility. Although we have always tried to eliminate sources of possible contamination (batteries, tires, etc.), we have issued formal notice (copy attached) to all our suppliers that we will not accept specific materials. We have also stepped up our security and scrutiny of incoming materials.

Mr. Mark A. Haney
June 5, 1986
Page Four

Pielet Brothers Scrap Iron and Metal, Inc. has previously conducted a detailed chemical analysis of our waste and has done so on several occasions. This, coupled with the results of the ISIS study, lead us to conclude that we do not generate a "hazardous" waste stream. We have discussed our waste stream characteristics with the Agency (1982 and 1985) and have obtained Special Waste Stream Permits from the Agency. We will continue to periodically check our waste stream periodically, and have retained Eldredge Engineering Associates, Inc. to perform an immediate analysis.

If you have any questions, regarding this information or require further amplification, please contact our office or Mr. James J. McGuigan, P.E. at Eldredge Engineering Associates, Inc. (312) 369-2901.

Very truly yours,

PIELET BROTHERS SCRAP IRON & METAL, INC.


James Pielet

JP/caz

Enclosures

cc: Rich Finley
IEPA, Maywood
Jim McGuigan
EEA



ATTACHMENT A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF SOLID WASTE

JUL 11 1980

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Herschel Cutler
Executive Director
Institute of Scrap Iron & Steel, Inc.
1627 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Cutler:

At your request, we have reviewed your proposed industry-wide sampling program for scrap processors' wastes and would like to proffer a few suggestions on how that program might be improved.

First, to the extent that there are any relevant technological differences in the balers, shears, and shredders from which the sampling pool will be drawn (i.e., differences which might influence the composition of the wastestream), these differences should be accounted for in the sampling.

Second, it would be beneficial to record what kind of scrap is being fed into the baler, shredder, or shears at the time the sampling is performed. This would allow you to determine whether there is any discrepancy between the makeup of scrap from which the waste samples are drawn and the general makeup of the scrap processed by the industry.

Third, the 14 sites which will be sampled for "within-site" variations should be selected at random from the 35 sites originally sampled and not from the total pool of 200. Selecting the 14 sites from the total pool of 200 shredder sites would prevent you from achieving 95% confidence in your "within-site" subsampling results and would cause overlap problems.

Fourth, to the extent possible, balers, shears, and shredders should not be given specific advance notice of the date and time of sampling. This will eliminate any bias caused by scrap processors intentionally changing their scrap feed on the date of sampling.

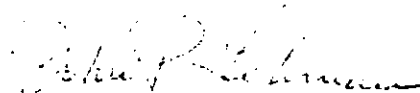
Fifth, the balers, shears, and shredders selected for sampling should be chosen independently, without any consideration of whether they are located at the same location.

Sixth, you should consult EPA's manual entitled "Test Methods for the Evaluation of Solid Wastes" (SW 846) to determine the number of times the EP should be run on a given sample to ensure 95% confidence in the test results. This manual can be obtained from: Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair St., Cincinnati, Ohio 45268 (513) (684-5362).

Apart from the above, we detect no apparent deficiencies in your sampling program and consider it to be capable of producing a statistically representative characterization of the industry's waste. In our opinion, an individual processor may satisfy his Section 262.11 responsibility to determine whether his waste is hazardous by relying upon an industry-wide, statistically representative sampling of the industry's waste--unless of course he has reason to know that his waste is completely atypical of the sampled waste. We caution you, however, that reliance on such an industry-wide sampling and characterization program does not relieve the individual processor of liability in the event it is subsequently determined that the waste is hazardous. Indeed, reliance by an individual processor on tests conducted on his own waste does not relieve the processor of liability in the event the waste is subsequently determined to be hazardous.

We thank you for consulting us in this matter and will be happy to provide you with further guidance upon the submission of the sampling program results to us. If you have any further questions, please contact Matt Strauss of my staff.

Sincerely yours,



John P. Lehman, Director
Hazardous and Industrial Waste Division (WH-565)

cc: J. Gordon Arbuckle



Bob Opel

Institute of Scrap Iron
and Steel, Inc.

established 1928
1627 K street n.w.
Washington, D. C. 20006
202 • 466-4050

November 13, 1980

MEMORANDUM TO ISIS MEMBERS

RE: Results of Industry-Wide Hazardous
Waste Identification Study

Enclosed is a copy of a report prepared for ISIS by Clayton Environmental Consultants, Inc. The report sets out CEC's findings with regard to selected wastes generated by the ferrous scrap processing industry. The study covers wastes from five types of equipment used in the industry; (1) balers, (2) shears, (3) shredders; (4) shredder scrubbers, (5) aluminum sweat furnaces. CEC's evaluation of the first three categories of waste was undertaken with the express approval of the Environmental Protection Agency. The two last process wastes were added to the study at the request of the membership, for the purpose of giving operators of those processes a statistically-sound indication of whether those wastes are hazardous.

The report concludes that waste from shears, shredders and shredder scrubbers is not hazardous. Waste from balers also is not hazardous, except where generated by the processing of auto radiators exclusively. Waste from sweat furnaces was found to be hazardous due to excessive concentrations of lead.

In approving the industry-wide evaluation of wastes from balers, shears, and shredders EPA stated that:

an individual processor may satisfy his responsibility to determine whether his waste is hazardous by relying upon an industry-wide statistically representative sampling of the industry's waste--unless of course he has reason to know that his waste is completely atypical of the sampled waste.

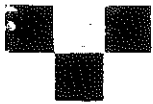
We believe that CEC's analysis of these three processing wastes conforms in every material respect to the proposal which ISIS submitted to EPA, as well as all additional recommendations of EPA concerning the conduct of the program. We have been advised by counsel that processors may rely upon CEC's findings as a sufficient basis for making a good-faith determination that wastes from their balers, shears and shredders are not hazardous, provided they are processing typical material inputs. A list of typical materials for each process is attached to the report and should be consulted. Operators of balers should note that the processing of auto radiators exclusively is atypical and that the wastes generated by such atypical processing cannot be deemed nonhazardous. Operators of any of these processes who believe that their material inputs may be atypical should consult with ISIS before concluding that their wastes are nonhazardous.

Cont....

The implications of the report for operators of shredder scrubbers or sweat furnaces are as follows. These processes were not included within the scope of the industry-wide waste characterization program as presented to EPA. Thus, EPA did not approve the program as applied to these two wastes or authorize operators of these types of equipment to rely upon the study's conclusions. However, the sampling, analytical and statistical procedures used by CEC in evaluating scrubber sludge and sweat furnace residues were substantially identical to those used to evaluate the wastes covered by the EPA-approved program.

Therefore, on the advice of counsel, operators of scrubber-type shredders can rely upon CEC's finding that scrubber sludge is not hazardous, again provided that they shred the typical materials set out for that process in the attached list.

We are advised by counsel that operators of sweat furnaces should either notify EPA and comply with all applicable regulations or independently sample and analyze their wastes for the purpose of establishing that their wastes are not hazardous.



TEI ANALYTICAL, INC.

480 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/698-2070



August 8, 1984

LABORATORY REPORT

#1697

AUG 09 1984

Mr. Thomas E. Jamrok
Eldredge Engineering Associates, Inc.
2625 Butterfield Road
Oak Brook, Illinois 60521

ELDRIDGE ENGINEERING
ASSOCIATES INC.

Samples received
June 29, 1984

[TEI-17069.01]
WO-2600, 1 -
DREDGE

[TEI-17069.02]
WO-2600, 2
SAND

Arsenic, ppm	0.12	0.49
Barium, ppm	3290.	760.
Cadmium, ppm	36	63
Chromium, ppm	214	18
Lead, ppm	3620.	8590.
Mercury, ppm	1.41	1.72
Selenium, ppm	*	*
Silver, ppm	11	9.0

EP Toxicity

Arsenic, mg/l	< 0.03	< 0.03
Barium, mg/l	2.1	< 1.0
Cadmium, mg/l	0.18	0.19
Chromium, mg/l	< 0.1	< 0.1
Lead, mg/l	3.8	3.1
Mercury, mg/l	< 0.002	< 0.002
Selenium, mg/l	< 0.02	< 0.02
Silver, mg/l	< 0.2	< 0.2

g. e. Marks



TEI ANALYTICAL, INC.

460 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/696-2070



LABORATORY REPORT

July 6, 1984

#1551

Mr. Thomas E. Jamrok
Eldredge Engineering Associates, Inc.
2625 Butterfield Road
Oak Brook, Illinois 60521

Samples received
June 29, 1984

PCB's

ppm

[TEI-17070.01] WO-2600 - A

15.8

[TEI-17070.02] WO-2600 - B

19.4

g. e. Marks

RECEIVED

JUL 09 1984

**ELDREDGE ENGINEERING
ASSOCIATES INC.**



eldredge engineering associates, Inc.

1601 n. bond street
naperville, illinois 60540
(312) 369-2901

January 2, 1985

Mr. Charles Gruntman
Illinois Environmental Protection Agency
1701 First Avenue
Maywood, IL 60153

Re: Pielet Bros. Scrap
Iron & Metal, Inc.
Automobile Fluff
(510-61)

Dear Mr. Gruntman,

James C. Murray, Attorney for Pielet Bros. Scrap Iron & Metal, Inc. has asked us to provide a copy of recent automobile fluff chemical analyses.

Please find the attached June 1984 laboratory report of PCB analyses of fluff materials. We are currently analyzing fluff samples for EP toxicity prior to applying for an IEPA Special Waste Stream Disposal Application. Copies of these analyses will be forwarded to your office when available.

As you are probably aware, IEPA analyses of these materials in November 1982 was determined to have PCB levels of 16 ppm (reference phone conversation with Ken Becheley on 11/29/82 regarding fluff disposal at Land & Lakes Landfill Joliet, IL). Comparison of our analyses with the 1982 IEPA data indicates that the PCB level in fluff materials is essentially the same (our June 1984 findings show PCB levels at 15.8 ppm and 19.4 ppm).

If you have any questions regarding these analyses, please contact our office.

Very truly yours,

ELDREDGE ENGINEERING ASSOCIATES, INC.

Thomas E. Jamrok
Project Chemist

TEJ:td

cc: Mr. Jim Pielet

TEI ANALYTICAL, INC.

460 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/696-2070

LABORATORY REPORT

July 6, 1984

#1551

Mr. Thomas E. Jamrok
Eldredge Engineering Associates, Inc.
2625 Butterfield Road
Oak Brook, Illinois 60521

Samples received
June 29, 1984

PCB's

ppm

[TEI-17070.01] WO-2600 - A

15.8

[TEI-17070.02] WO-2600 - B

19.4

g.e. Marks

RECEIVED

JUL 09 1984

ELDRIDGE ENGINEERING
ASSOCIATES INC.



TEI ANALYTICAL, INC.

460 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/696-2070



January 15, 1985

LABORATORY REPORT

#2484

Mr. Tom Jamrock
Eldredge Engineering Associates, Inc.
1601 Bond Street
Naperville, Illinois 60504

Samples received
December 21, 1984

[TEI-18332]

PCBs, ppm

.01 - WO-512, W-1 Water, 12/20/84	0.010
.02 - WO-512, W-2 Water, 12/20/84	0.010
.03 - WO-512, W-3 Water, 12/20/84	< 0.001
.04 - WO-512, W-4 Water, 12/20/84	0.03
.05 - WO-512, S-2 Sediment, 12/20/84	0.31
.06 - WO-512, S-3 Sediment, 12/20/84	0.17
.07 - WO-512, S-4 Sediment, 12/20/84	4.60
.08 - WO-512, S-5 Sediment, 12/20/84	7.40
.09 - WO-512, S-6 Sediment, 12/20/84	0.67
.10 - WO-512, S-7 Sediment, 12/20/84	8.10
.11 - WO-512, S-13 Sediment, 12/20/84	1.70
.12 - WO-512, S-15 Sediment, 12/20/84	12.4
.13 - WO-512, S-17 Sediment, 12/20/84	18.2
.14 - WO-512, S-20 Sediment, 12/20/84	0.25
.15 - WO-512, S-21 Sediment, 12/20/84	0.45
.16 - WO-512, S-23 Sediment, 12/20/84	0.02
.17 - WO-512, S-24 Sediment, 12/20/84	31.0

AVE

JAN 16 1985

TEI ANALYTICAL, INC.
RECEIVED

J. E. Marks



eldredge engineering associates, Inc.

1601 n. bond street
naperville, illinois 60540
(312) 369-2901

ju

February 6, 1985

Mr. Joe Benedict
John Sexton Contractors Co.
1815 So. Wolf Road
Hillside, IL 60162

Re: Special Waste
Disposal Application
(512-74)

Dear Joe:

Pursuant to our phone conversation, we are submitting these applications for disposal on behalf of our client, Pielet Bros. Scrap Iron & Metal, Inc. Waste materials are the result of a mechanical separation process. Separate applications have been submitted for each waste independently and as part of a mixture.

The process results in the separation of metallic and non-metallic auto parts. Shredded parts are introduced into a flotation chamber where separation of the fluff from the metal fractions occurs. Grit* is settled from the recirculated liquids and removed for disposal.

Depending on production volumes, disposal could be all fluff or all grit, or a mixture of both. We have conducted chemical analyses of the three cases and have attached the results for your review. Laboratory identification of waste materials is indicated below:

<u>Waste Description</u>	<u>Lab I.D. No.</u>	<u>Sample No.</u>
Auto Fluff/Grit Mix	TEI-18359	SW-03
Grit	TEI-18359.01	SW-01
Fluff	TEI-18359.02	SW-02

Mr. Joe Benedict
February 6, 1985
Page 2

Although none were identified in these analyses, PCB's have been occasionally reported in this material at levels well below the 50 ppm TSCA criteria for landfill disposal.

Please contact our office should additional information be required. Upon IEPA application acceptance, please notify the generator and provide him current disposal cost information.

Very truly yours,

ELDREDGE ENGINEERING ASSOCIATES, INC.



Thomas E. Jamrok
Project Chemist

TEJ:td
Enclosures

cc: Mr. Donald Gotschlich
Pielet Bros. Scrap Iron & Metal
Mr. James Murray, Attorney



TEI ANALYTICAL, INC.

460 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/696-2070



January 28, 1985

LABORATORY REPORT

#2534

Mr. Tom Jamrock
Eldredge Engineering Associates, Inc.
1601 Bond Street
Naperville, Illinois 60504

Samples received
January 4, 1985

[TEI-18358] Sample #SW-03, W0-512

Alkalinity (CaCO ₃), ppm	718
pH, units	8.4
Total Cyanide, ppm	1.2
Phenol, ppm	33.3
Sulfide, ppm	< 0.5
Reactive Sulfide, ppm	< 0.5
Reactive Cyanide, ppm	0.2
PCBs, ppm	< 0.1

EP Toxicity

Arsenic, mg/l	< 0.1
Barium, mg/l	1.0
Cadmium, mg/l	0.5
Chromium, mg/l	< 0.1
Lead, mg/l	2.4
Mercury, mg/l	< 0.005
Selenium, mg/l	< 0.05
Silver, mg/l	< 0.1
Lindane, ppm	< 0.2
Endrin, ppm	< 0.06
Methoxychlor	< 1.0
Toxaphene, ppm	< 0.3
2,4 D, ppm	< 0.5
Silvex, ppm	< 1.0

g.e. Marks



TEI ANALYTICAL, INC.

480 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/698-2070



January 28, 1985

LABORATORY REPORT

#2535

Page 1 of 2 pages

Mr. Tom Jamrock
Eldredge Engineering Associates, Inc.
1601 Bond Street
Naperville, Illinois 60504

Samples received
January 4, 1985

SW 01 SEDIMENT

02 FLUFF

03 50/50 mix

[TEI-18359.01]
#SW-01, W0-512

[TEI-18359.02]
#SW-02, W0-512

Alkalinity (CaCO ₃), ppm	297	704
pH, units	8.4	8.2
Total Cyanide, ppm	1.1	0.5
Phenol, ppm	1.8	33.7
Sulfide, ppm	< 0.5	< 0.5
Reactive Sulfide, ppm	< 0.5	< 0.5
Reactive Cyanide, ppm	0.2	0.2
Arsenic, ppm	< 0.2	< 0.2
Barium, ppm	1630.	889
Cadmium, ppm	31.4	20.5
Chromium, ppm	84.6	74.0
Lead, ppm	2660.	1610.
Mercury, ppm	1.07	0.14
Selenium, ppm	< 0.1	< 0.1
Silver, ppm	2.1	1.3
PCBs, ppm	< 0.1	< 0.1

g.e. marks



TEI ANALYTICAL, INC.

480 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/696-2070



January 28, 1985

LABORATORY REPORT

#2535

Page 2 of 2 pages

Mr. Tom Jamrock
Eldredge Engineering Associates, Inc.
1601 Bond Street
Naperville, Illinois 60504

Samples received
January 4, 1985

[TEI-18359.01]
#SW-01, WO-512

[TEI-18359.02]
#SW-02, WO-512

EP Toxicity

Arsenic, mg/l	< 0.1	< 0.1
Barium, mg/l	1.2	1.3
Cadmium, mg/l	0.3	0.3
Chromium, mg/l	< 0.1	< 0.1
Lead, mg/l	1.2	2.0
Mercury, mg/l	0.005	0.009
Selenium, mg/l	< 0.02	< 0.02
Silver, mg/l	< 0.1	< 0.1
Lindane, ppm	< 0.2	< 0.2
Endrin, ppm	< 0.06	< 0.06
Methoxychlor, ppm	< 1.0	< 1.0
Toxaphene, ppm	< 0.3	< 0.3
2,4 D, ppm	< 0.5	< 0.5
Silvex, ppm	< 1.0	< 1.0

Sample Preparation -

g. e. Marks



TEI ANALYTICAL, INC.

460 SOUTH NORTHWEST HIGHWAY • PARK RIDGE, ILLINOIS • 60068 • 312/696-2070



May 13, 1985

LABORATORY REPORT #2951

Mr. Jim McGuigan
Eldredge Engineering Associates, Inc.
1601 Bond Street
Naperville, Illinois 60504

Samples received
April 19, 1985

[TEI-19624]

Endrin, ppb

.01 - Sediment Sludge, #EEA, W0-512	< 1.0
.02 - Fluff, #EEA W0-512	< 1.0
.03 - 50-50 Mixture of Sediment Sludge and Fluff, EEA W0-512	< 1.0

J. McGuigan

ECEI

MAY 2



RECEIVED

217/782-6762

JUN 12 1985

MAY 30, 1985
APPLICATION RECEIVED: 05/28/85
PERMIT NUMBER 850505-1978010001
PERMIT ISSUED TO:

WASTE STREAM NUMBER 850505
PERMIT EXPIRES: 05/29/90

JOHN SEXTON CONTRACTORS
1815 S WOLF RD
HILLSIDE, IL
60162

JOHN SEXTON CONTRACTORS
1815 S WOLF RD
HILLSIDE, IL
60162

WASTE NAME: AUTO FLUFF

WASTE CLASSIFICATION: NON-HAZARDOUS NOT SUBJECT TO FEE

PERMIT TO RECEIVE THE INDICATED WASTE IS GRANTED.

DISPOSAL SITE: JOHN SEXTON CONTRACTOR-BEECHER IEPA SITE NO.: 1978010001

DISPOSITION OF WASTE:

BULK WASTE (SOLID, LIQUID, POWDER, OR SLUDGE) MIXED WITH DAILY RECEIPT
OF REFUSE ABOVE GRADE (CODISPOSAL)

ATTENTION: DON GOTSCHLICH IEPA GENERATOR NO.: 0310065018
WASTE GENERATOR: PIELET BROS SCRAP IRON & METAL
7955 W 59TH STREET
SUMMIT, IL
60501

THIS PERMIT IS GRANTED SUBJECT TO THE ATTACHED STANDARD CONDITIONS AND
ANY SPECIAL CONDITIONS LISTED BELOW.

LWE:RAC
CC:PIELET BROS SCRAP IRON & METAL
REGION: W


LAWRENCE W. EASTER, P.E. 6/4/85
MANAGER, PERMIT SECTION
DIVISION OF LAND POLLUTION CONTROL



RECEIVED
JUN 10 1985

217/782-6762

MAY 30, 1985
APPLICATION RECEIVED: 05/28/85
PERMIT NUMBER 850504-1978010001
PERMIT ISSUED TO:

WASTE STREAM NUMBER 850504
PERMIT EXPIRES: 05/29/90

JOHN SEXTON CONTRACTORS
1815 S WOLF RD
HILLSIDE, IL
60162

JOHN SEXTON CONTRACTORS
1815 S WOLF RD
HILLSIDE, IL
60162

WASTE NAME: GRIT & SEDIMENT
WASTE CLASSIFICATION: NON-HAZARDOUS NOT SUBJECT TO FEE

PERMIT TO RECEIVE THE INDICATED WASTE IS GRANTED.

DISPOSAL SITE: JOHN SEXTON CONTRACTOR-BEECHER IEPA SITE NO.: 1978010001

DISPOSITION OF WASTE:

BULK WASTE (SOLID, LIQUID, POWDER, OR SLUDGE) MIXED WITH DAILY RECEIPT
OF REFUSE ABOVE GRADE (CODISPOSAL)

ATTENTION: DON GOTSCLICH IEPA GENERATOR NO.: 0310065018
WASTE GENERATOR: PIELET BROS SCRAP IRON & METAL
7955 W 59TH STREET
SUMMIT, IL
60501

THIS PERMIT IS GRANTED SUBJECT TO THE ATTACHED STANDARD CONDITIONS AND
ANY SPECIAL CONDITIONS LISTED BELOW.

LWE:RAC
CC:PIELET BROS SCRAP IRON & METAL
REGION: N


LAWRENCE H. EASTER, P.E.
MANAGER, PERMIT SECTION 6/4/85
DIVISION OF LAND POLLUTION CONTROL



RECEIVED

217/782-6762

JUL 10 1985

JUNE 28, 1985
APPLICATION RECEIVED: 05/28/85
PERMIT NUMBER 850506-1978010001
PERMIT ISSUED TO:

WASTE STREAM NUMBER 850506
PERMIT EXPIRES: 05/29/90

JOHN SEXTON CONTRACTORS
1815 S WOLF RD
HILLSIDE, IL
60162

JOHN SEXTON CONTRACTORS
1815 S WOLF RD
HILLSIDE, IL
60162

WASTE NAME: FLUFF GRIT MIX
WASTE CLASSIFICATION: NON-HAZARDOUS NOT SUBJECT TO FFE

PERMIT TO RECEIVE THE INDICATED WASTE IS GRANTED.

DISPOSAL SITE: JOHN SEXTON CONTRACTOR-BEECHER IEPA SITE NO.: 1978010001


DISPOSITION OF WASTE:

BULK WASTE (SOLID, LIQUID, POWDER, OR SLUDGE) MIXED WITH DAILY RECEIPT
OF REFUSE ABOVE GRADE (CODISPOSAL)

ATTENTION: DON GOTSCHLICH IEPA GENERATOR NO.: 0310065018
WASTE GENERATOR: PIELET BROS SCRAP IRON & METAL
7955 W 59TH STREET
SUMMIT, IL
60501

THIS PERMIT IS GRANTED SUBJECT TO THE ATTACHED STANDARD CONDITIONS AND
ANY SPECIAL CONDITIONS LISTED BELOW.

LWE:RAC
CC:PIELET BROS SCRAP IRON & METAL
REGION: N


LAWRENCE N. EASTER, P.E. 7/5/85
MANAGER, PERMIT SECTION
DIVISION OF LAND POLLUTION CONTROL



AUTOMOBILE PROCESSING YARD

P.O. BOX 131 • ARGO, ILLINOIS 60501

Telephone 312 - 594-7171

June 4, 1986

Notice is hereby given to all suppliers that the following materials are not and will not be accepted for processing:

Batteries
Tire & Wheel Weights
Tires
Oil, Grease & Fuels of any kind

Any loads found containing these materials will be rejected. If these materials are found after loads are dropped off for processing, they will be returned and you will be charged a processing fee.

PIELET BROTHERS SCRAP IRON & METAL, INC.



Bob Speil

Institute of Scrap Iron
and Steel, Inc.

established 1928
1627 K street n.w.
Washington, D. C. 20006
202 • 466-4050

November 13, 1980

MEMORANDUM TO ISIS MEMBERS

RE: Results of Industry-Wide Hazardous
Waste Identification Study

Enclosed is a copy of a report prepared for ISIS by Clayton Environmental Consultants, Inc. The report sets out CEC's findings with regard to selected wastes generated by the ferrous scrap processing industry. The study covers wastes from five types of equipment used in the industry; (1) balers, (2) shears, (3) shredders, (4) shredder scrubbers, (5) aluminum sweat furnaces. CEC's evaluation of the first three categories of waste was undertaken with the express approval of the Environmental Protection Agency. The two last process wastes were added to the study at the request of the membership, for the purpose of giving operators of those processes a statistically-sound indication of whether those wastes are hazardous.

The report concludes that waste from shears, shredders and shredder scrubbers is not hazardous. Waste from balers also is not hazardous, except where generated by the processing of auto radiators exclusively. Waste from sweat furnaces was found to be hazardous due to excessive concentrations of lead.

In approving the industry-wide evaluation of wastes from balers, shears, and shredders EPA stated that:

an individual processor may satisfy his responsibility to determine whether his waste is hazardous by relying upon an industry-wide statistically representative sampling of the industry's waste--unless of course he has reason to know that his waste is completely atypical of the sampled waste.

We believe that CEC's analysis of these three processing wastes conforms in every material respect to the proposal which ISIS submitted to EPA, as well as all additional recommendations of EPA concerning the conduct of the program. We have been advised by counsel that processors may rely upon CEC's findings as a sufficient basis for making a good-faith determination that wastes from their balers, shears and shredders are not hazardous, provided they are processing typical material inputs. A list of typical materials for each process is attached to the report and should be consulted. Operators of balers should note that the processing of auto radiators exclusively is atypical and that the wastes generated by such atypical processing cannot be deemed nonhazardous. Operators of any of these processes who believe that their material inputs may be atypical should consult with ISIS before concluding that their wastes are nonhazardous.

Cont....

The implications of the report for operators of shredder scrubbers or sweat furnaces are as follows. These processes were not included within the scope of the industry-wide waste characterization program as presented to EPA. Thus, EPA did not approve the program as applied to these two wastes or authorize operators of these types of equipment to rely upon the study's conclusions. However, the sampling, analytical and statistical procedures used by CEC in evaluating scrubber sludge and sweat furnace residues were substantially identical to those used to evaluate the wastes covered by the EPA-approved program.

Therefore, on the advice of counsel, operators of scrubber-type shredders can rely upon CEC's finding that scrubber sludge is not hazardous, again provided that they shred the typical materials set out for that process in the attached list.

We are advised by counsel that operators of sweat furnaces should either notify EPA and comply with all applicable regulations or independently sample and analyze their wastes for the purpose of establishing that their wastes are not hazardous.

Waste Piles

SW 846

In waste piles, the accessibility of waste for sampling is usually a function of pile size, a key factor in the design of a sampling strategy for a waste pile. Ideally, piles containing unknown wastes should be sampled using a three-dimensional simple random sampling strategy. This strategy can be employed only if all points within the pile can be accessed. In such cases, the pile should be divided into a three-dimensional grid system, the grid sections assigned numbers, and the sampling points then chosen using random-number tables or random-number generators.

If sampling is limited to certain portions of the pile, then the collected sample will be representative only of those portions, unless the waste is known to be homogenous.

In cases where the size of a pile impedes access to the waste, a set of samples that are representative of the entire pile can be obtained with a minimum of effort by scheduling sampling to coincide with pile removal. The number of truckloads needed to remove the pile should be estimated and the truckloads randomly chosen for sampling.

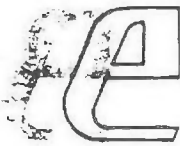
The sampling devices most commonly used for small piles are thieves, triers, and shovels. Excavation equipment, such as backhoes, can be useful for sampling medium-sized piles.

Landfills and Lagoons

Landfills contain primarily solid waste, whereas lagooned waste may range from liquids to dried sludge residues. Lagooned waste that is either liquid or semisolid is often best sampled using the methods recommended for large tanks. Usually, solid wastes contained in a landfill or lagoon are best sampled using the three-dimensional random sampling strategy.

The three-dimensional random sampling strategy involves establishing an imaginary three-dimensional grid of sampling points in the waste and then using random-number tables or random-number generators to select points for sampling. In the case of landfills and lagoons, the grid is established using a survey or map of the area. The map is divided into two two-dimensional grids with sections of equal size. (An alternative way of choosing random sampling locations is presented in the second example described in Section 9.2.2.1) These sections are then assigned numbers sequentially.

Next, the depth to which sampling will take place is determined and subdivided into equal levels, which are also sequentially numbered. (The lowest sampling depth will vary from landfill to landfill. Usually, sampling extends to the interface of the fill and the natural soils. If soil contamination is suspected, sampling may extend into the natural soil.) The horizontal and vertical sampling coordinates are then selected using random-number tables or random-number generators. If some information is known about the nature of the waste, then a modified three-dimensional strategy may be more appropriate. For example, if the landfill consists of several cells, a more precise measurement may be obtained by considering each cell as a stratum and employing a stratified three-dimensional random sampling strategy (see Section 9.1).



eldredge engineering associates, Inc.

1601 n. bond street
naperville, illinois 60540
(312) 369-2901

John

February 6, 1985

Mr. Joe Benedict
John Sexton Contractors Co.
1815 So. Wolf Road
Hillside, IL 60162

Re: Special Waste
Disposal Application
(512-74)

Dear Joe:

Pursuant to our phone conversation, we are submitting these applications for disposal on behalf of our client, Piolet Bros. Scrap Iron & Metal, Inc. Waste materials are the result of a mechanical separation process. Separate applications have been submitted for each waste independently and as part of a mixture.

The process results in the separation of metallic and non-metallic auto parts. Shredded parts are introduced into a flotation chamber where separation of the fluff from the metal fractions occurs. Grit is settled from the recirculated liquids and removed for disposal.

Depending on production volumes, disposal could be all fluff or all grit, or a mixture of both. We have conducted chemical analyses of the three cases and have attached the results for your review. Laboratory identification of waste materials is indicated below:

<u>Waste Description</u>	<u>Lab I.D. No.</u>	<u>Sample No.</u>
Auto Fluff/Grit Mix	TEI-18359	SW-03
Grit	TEI-18359.01	SW-01
Fluff	TEI-18359.02	SW-02

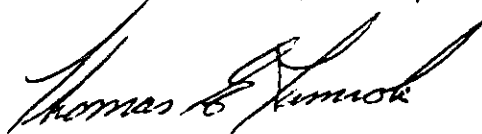
Mr. Joe Benedict
February 6, 1985
Page 2

Although none were identified in these analyses, PCB's have been occasionally reported in this material at levels well below the 50 ppm TSCA criteria for landfill disposal.

Please contact our office should additional information be required. Upon IEPA application acceptance, please notify the generator and provide him current disposal cost information.

Very truly yours,

ELDREDGE ENGINEERING ASSOCIATES, INC.



Thomas E. Jamrok
Project Chemist

TEJ:td
Enclosures

cc: Mr. Donald Gotschlich
Pielet Bros. Scrap Iron & Metal
Mr. James Murray, Attorney